

## TOWN OF TYNGSBOROUGH

Office of the Selectmen

25 Bryant Lane

Tyngsborough, MA 01879

Tel: 978 649-2300 Ext. 100

Fax: 978 649-2320

### Board of Selectmen Meeting Minutes

Monday September 27, 2010

6:00 P.M.

Town Offices

Member Present: Selectwoman Ashley O'Neill, Selectwoman Elizabeth Coughlin, Selectman Rick Reault, Selectman Rich Lemoine, Selectman Robert Jackson.

Staff: Town Administrator Michael Gilleberto, Admin. Assistant Therese Gay

"The listing of matters are those reasonable anticipated by the Chairman which may be discussed at the meeting. Not all items listed may in fact be discussed, and other items not listed may also be brought up for discussion to the extent permitted by law."

#### 1. 6:05 P.M Open Meeting

The Chairman opened the meeting, the Board Members were introduced and the agenda was read. The Planning Board Members were present to jointly with the Selectmen to appointment an Associate Member to their Board. Planning Board Members present were: Steve Nocco, Steve O'Neill, Tom Dilmore, and Bill Grammer. Former member Caryn DeCarteret submitted a letter on interest to serve as an associate.

#### 2. New Business

- Selectmen/Planning Board Joint Meeting – Appointment of Associate Member

The Board of Selectmen jointly with the Planning Board voted 9-0 on a motion by Selectman Jackson, second by Selectwoman Coughlin to appoint Caryn DeCarteret as an associate member to the Planning Board. Roll Call Vote: Selectman Reault, yes; Selectwoman O'Neill, yes; Selectwoman Coughlin, yes; Selectman Lemoine, yes; Selectman Jackson, yes; Member O'Neill, yes; Member Nocco, yes; Member Dilmore, yes; Member Grammer, yes.

- Liquor License Request – Change in Directors and Change in Manager/Change in DBA/Amend the Entertainment License - Smokey Bones, 431 Middlesex Road

Barberque Integrated, Inc. dba Smokey Bones has petitioned the Board for a two changes to their liquor license and to amend their entertainment license to be able to offer non gaming poker tournaments. Barberque Integrated Inc has retained the services of Attorney Peter Nicosia to present the changes listed above. The Manager change was not on the agenda for this evening as the change was done at a previous meeting in November of 2009. This evening the only changes before the Board is the Change of a Corporate Officer and the Change in the DBA. Before the Board were Attorney Nicosia, Manager Mike Herchuck and Corporate General Manager David Terry. The changes were presented and the Board voted favorably on the two corporate changes and continued the amendment to the entertainment license to Monday October 4, 2010.

The Board voted unanimously on a motion by Selectwoman Coughlin, second by Selectman Jackson to change the dba from Smokey Bones BBQ to Smokey Bones Bar & Fire Grill #7515.

The Board voted unanimously on a motion by Selectman Lemoine, second by Selectman Jackson to add Corporate Officer Rick Walters to the list of corporate officers.

The Board continued the Entertainment License hearing to Monday October 4, 2010.

- **Tyngsborough Housing Authority – Presentation**

The Housing Authority Executive Board Chairman Rick DeLeo, Vice Chairman John Pelletier, Marguerite Giguere, and Director Melinda Thiede were introduced; Members Michele Reichter and Cory Lambert were absent. The Authority did a slide presentation to help inform the resident of the role the housing authority plays in making available affordable housing for residents who would not be able to continue living in the community after retirement. The two boards discussed the affordable housing plan that is being updated by NMCOG and what role does the Housing Partnership play in the plan. Mr. DeLeo complimented the partnerships role played in formulating a housing plan and to work with the 40B developers. The Authority is looking to increase their housing stock and are asking for assistance in locating land/available buildings that could be converted into affordable units. The Housing Authority is meeting at the end of the month and has asked the Housing Partnership to attend and do a presentation. The Authority would like to work with the Partnership. Selectman Lemoine did present the Partnership portion of the discussion. The Partnership works directly under the direction of the Housing Authority. The Partnership has been very successful. They partnered with the ZB A, and the Authority in creating the Affordable Housing Plan and working with 4 projects to bring the town's housing quota to 12%. Two of the projects spent close to 5 million dollars in bring water and sewer up Middlesex Road and increased the revenues through fees and rates. The Housing Authority should be involved in upgrading the plan and with the Partnership. There were still some questions to be answered and more information to be attained. The Board voted unanimously on a motion by Selectman Reault, second by Selectwoman Coughlin to request of the Zoning Board of Appeals to not transfer any units to the Partnership. Until the Partnership and the Authority meet in a work session to discuss further.

### **3. Citizen/Business Time**

Citizens or business owners may contact the Office of the Selectmen to request to address the Selectmen during citizen/business time. Citizens or business owners who have not contracted the Office of the Selectmen in advance may address the Board of Selectmen on matters of interest to the public for not more than five (5) minutes.

No Citizen came forward this evening.

### **4. Approve Minutes**

- Minutes of Monday September 13, 2010

The Board voted unanimously on a motion by Selectman Lemoine, second by Selectwoman Coughlin to approve the Minutes of Monday September 13, 2010.

### **5. Old Business**

- Appoint – Cultural Council Member

The Board voted unanimously on a motion by Selectwoman Coughlin, second by Selectman Reault to appoint Juli Rogers as a Member on the Cultural Council. Ms Rogers submitted a letter of interest to serve on the Council.

- Eagle Scout Project Review

Has been deferred to Monday October 4 meeting.

- Affordable Housing Discussions

Selectman Lemoine did speak to affordable housing with the Board and Housing Authority earlier in the evening.

- Animal Control/Animal Inspector

The Town Administrator is asking the Board to extend the contract for services with the Town of Westford for another 90 days. This will give the Administrator more time to hopefully move to a longer term and a proposal to include the services of Animal Inspector.

The Board voted unanimously on a motion by Selectman Lemoine, second by Selectman Jackson to enter into a 90 day extension to the agreement with the Town of Westford, the extension to end December 31, 2010.

- Art Display

Selectman Jackson spoke about the art display board that the Education Foundation awarded the HS Art teacher to display art work in the lobby of the Town Hall. The Board voted unanimously on a motion by Selectwoman Coughlin, second by Selectman Jackson to approve the use of the art display boards in the lobby of the town hall.

## **6. Correspondence**

The Board voted unanimously on a motion by Selectman Reault, second by Selectman Jackson to accept the correspondence as read. Discussion on a letter from the Assessors, several letters from departments looking to restore hours needed to have better communication with the general public, cannot increase some hours and not others the union body is stopping the requests. Received a letter from one contractor with the necessary papers to finish the acceptance of two streets. A letter from the Planning Board requesting the Board hold a public hearing for the acceptance of Cedar Street. Announcing the Town's business day and the fund raiser Tyng Fling by the Recreation Dept. New hours for the Inspectional Department will be provided at the next Selectmen's meeting.

## **7. Selectmen's Reports**

- Selectman O'Neill – Strategic Financial Planning – No report this evening.
- Selectman Coughlin – Energy and Environmental Affairs/Inspections

I attended the ceremony rededicating the new Massachusetts Law Enforcement Memorial dedicated to the officers who died in the line of duty. Tyngsborough has two of its officers included on the memorial. It was a solemn occasion and was well attended. I have found while doing an inspection to correct one pole on Flint Road, noticed that there were numerous poles at the Kendall Road, Flint Road and Bryant Lane area that have bundled up wires and have guide wires tethered to trees, I would like to have this problem addressed.

- Selectman Reault – Northern Middlesex Council Of Government – No report this evening.
- Selectman Lemoine – Economic Development – No report this evening.
- Selectman Jackson – The Early Childhood Center

I will be attending the first TEEC meeting on Tuesday. I had the chance to tour the old Winslow school building and found the conditions at the old building to be in disrepair and I also found that many of the Town's documents are stored there. I would like to see the records moved to a more secure and safer building. I would also like to see the building secured so that no one could access the building. The Secretary of State provides a service to municipalities assisting them with the retention/disposition of records.

## **8. Town Administrator's Reports – No report this evening.**

The Board voted on a motion by Selectman Jackson, second by Selectwoman Coughlin to enter into a Work Session and at the conclusion to enter into Executive Session and to return to open session only to adjourn. Roll Call Vote: Selectman Jackson, yes; Selectman Lemoine, yes; Selectwoman Coughlin, yes; Selectwoman O'Neill, yes; Selectman Reault, yes. The Board entered into a Work Session at 8:30 PM

## **9. Work Session**

- Goals

The Senior Work Off Program will be placed on the Monday, October 2, 2010 agenda.

The Board discussed some of the following: Look into the combination of an HR person and an Assistant Town Administrator position; the continuance of the overlay district, to have a design guideline and to do the code review on the existing barn and the installation of the fence in the town center. And also discussed the possibility of a sewer design and

construction committee, and to continue the process of road acceptance, the bridge repair and the Pawtucket blvd realignment.

- Policies

The Board did not discuss policies this evening.

The Board concluded the work session at 9:30 PM and entered into Executive Session.

#### **10. Executive Session**

The board may move to go into executive session to discuss strategy with respect to collective bargaining, litigation, or exempt negotiations if an open meeting may have a detrimental effect on such subject matters.

- Collective Bargaining
- Litigation

The Board voted on a motion by Selectman Reault, second by Selectwoman Coughlin to enter into Executive Session to discuss collective bargaining and to return to open session only to adjourn.

Roll Call Vote: Selectman Jackson, yes; Selectman Lemoine, yes; Selectwoman Coughlin, yes; Selectwoman O'Neill, yes; Selectman Reault, yes. The Board entered into Executive Session at 9:30 PM

#### **11. Adjournment**

The Board exited the executive session and returned to open only to adjourn. The Board voted on a motion by Selectwoman O'Neill, second by Selectman Jackson to adjourn the meeting. The Board adjourned at 10:30 p.m.

Respectfully submitted,

Therese Gay  
Admin Assistant

Approved on: Monday, October 18, 2010



# **Town of Tyngsborough**

## **Planning Board**

25 Bryants Lane  
Tyngsborough, Massachusetts 01879-1003  
Office: (978) 649-2300, ext. 115  
Fax: (978) 649-2301

2010 SEP 17 11:38:23

RECEIVED  
TYNGSBOROUGH, MA.

September 17, 2010

Tyngsborough Board of Selectmen  
25 Bryants Lane  
Tyngsborough, MA 01879

RE: Planning Board Associate Member


Honorable Board,

The Planning Board voted to request letters of interest be submitted for the Associate Member position which is currently vacant.

The Board seeks to fill this position in the event that the Board is rendered without a quorum of members for our meetings. Given the forecast of the startup of some potentially big projects, it is the Board's hope that the Associate Member position can be filled as soon as possible.

Thank you for your attention to this matter.

Regards,

  
Steven Nocco  
Chairman

**Caryn DeCarteret**  
**56 Frost Road**  
**Tyngsborough, MA 01879**  
**Telephone (978) 649-0001**  
**Cell: (978) 257-7906**  
**E mail: cdecarteret@comcast.net**

2010 SEP 23 (TH) 2:35

MAIL ROOM  
TYNGSBOROUGH, MA.

**Thursday 23 September 2010 :35 PM**

**Town of Tyngsborough**  
**Board of Selectmen**  
**25 Bryant Lane**  
**Tyngsborough, MA 01879**

**Dear Honorable Board of Selectmen,**

**I would like to submit this letter of interest for your consideration for the Planning Board Associate Position.**

**I have served as a member of the Planning Board for the past 9 years. I feel I have extensive familiarity of the Tyngsbrough Zoning ByLaw and Special Permit process and hope to be an asset to the Planning Board in a part time capacity.**

**Please let me know if you have any questions or would like to speak with me regarding my interest or qualifications.**

**Respectfully,**

**Caryn DeCarteret**



LICENSING  
SOLUTIONS INC.  
National Acquisition Specialists

2010 SEP 23 PM 2:11

CLERK OF SUPERIOR COURT  
TYNGSBOROUGH, MA.

Kathy Shaver, License Specialist  
Licensing Solutions, Inc.  
[Kathy@LicensingSolutions.us](mailto:Kathy@LicensingSolutions.us)

September 22, 2010

Town of Tyngsborough  
Office of the Selectman  
Attn: Terry Gay  
25 Bryants Lane  
Tyngsborough, MA 01897

**Re: Request changes to:  
The Weekday and Sunday Entertainment Permit  
Change of Officer – Add Rick Walters  
DBA Name Change to Smokey Bones Bar & Fire Grill #7515**

Dear Terry:

Enclosed please find the following items:

1. Check for \$100.00 payable to the Town of Tyngsborough
2. Application for Weekday Entertainment Permit
3. Application for Sunday Entertainment Permit
4. Application for a Change of Officer
5. Application for a Change of DBA

Please email me if you require anything else to complete the applications.

Thank you,

Kathy Shaver  
License Administrator



The Commonwealth of Massachusetts  
Alcoholic Beverages Control Commission  
239 Causeway Street  
Boston, MA 02114  
[www.mass.gov/abcc](http://www.mass.gov/abcc)

Print Form

RETAIL ALCOHOLIC BEVERAGES LICENSE APPLICATION  
MONETARY TRANSMITTAL FORM

APPLICATION SHOULD BE COMPLETED ON-LINE, PRINTED, SIGNED, AND SUBMITTED TO THE  
LOCAL LICENSING AUTHORITY.

REVENUE CODE: RETA

CHECK PAYABLE TO ABCC OR COMMONWEALTH OF MA: \$200.00

IF USED EPAY, CONFIRMATION NUMBER:

N/A

A.B.C.C. LICENSE NUMBER (IF AN EXISTING LICENSEE, CAN BE OBTAINED FROM THE CITY):

LICENSEE NAME:

Barbeque Integrated, Inc.

ADDRESS:

8529 South Circle, Suite 410

CITY/TOWN:

Orlando

STATE FL

ZIP CODE

32809

**TRANSACTION TYPE (Please check all relevant transactions):**

- |   |  |   |   |
|---|--|---|---|
| <input type="checkbox"/> New License              | <input checked="" type="checkbox"/> New Officer/Director | <input type="checkbox"/> Pledge of License          | <input type="checkbox"/> Change Corporate Name      |
| <input type="checkbox"/> Transfer of License      | <input type="checkbox"/> Change of Location              | <input type="checkbox"/> Pledge of Stock            | <input type="checkbox"/> Seasonal to Annual         |
| <input type="checkbox"/> Change of Manager        | <input type="checkbox"/> Alteration of Licensed Premises | <input type="checkbox"/> Transfer of Stock          | <input type="checkbox"/> Change of License Type     |
| <input type="checkbox"/> Cordials/Liqueurs Permit | <input type="checkbox"/> New Stockholder                 | <input type="checkbox"/> Issuance of Stock          | <input type="checkbox"/> Other <input type="text"/> |
| <input type="checkbox"/> 6-Day to 7-Day License   | <input type="checkbox"/> Management/Operating Agreement  | <input type="checkbox"/> Wine & Malt to All Alcohol |   |

THE LOCAL LICENSING AUTHORITY MUST MAIL THIS TRANSMITTAL  
FORM ALONG WITH THE CHECK, COMPLETED APPLICATION, AND  
SUPPORTING DOCUMENTS TO:

**BANK OF AMERICA  
P. O. BOX 3396  
BOSTON, MA 02241-3396**



# Application for Retail Alcoholic Beverage License

City/Town

Tyngsborough

## 1. Transaction:

- ☐ New License      ☒ New Officer/Director      ☐ Transfer of Stock      ☐ Issuance of Stock  
☐ Transfer of License      ☐ New Stockholder      ☐ Management/Operating Agreement

### The following transactions must be processed as new licenses:

- ☐ Seasonal to Annual      ☐ 6-Day to 7-Day License      ☐ Wine & Malt to All Alcohol

**IMPORTANT ATTACHMENTS:** The applicant must attach a vote of the entity authorizing all requested transactions, including the appointment of a Manager of Record or principal representative.

## 2. Type of License:

- ☒ §12 Restaurant      ☐ §12 Hotel      ☐ §12 Club      ☐ §12 Veterans Club  
☐ §12 General On-Premise      ☐ §12 Tavern (No Sundays)      ☐ §15 Package Store

## 3. License Category:

- ☒ All Alcoholic Beverages      ☐ Wine & Malt Beverages Only      ☐ Wine or Malt Only  
☐ Wine & Malt Beverages with Cordials/Liqueurs Permit

## 4. License Class:

- ☒ Annual      ☐ Seasonal

## 5. Contact Person concerning this application (attorney if applicable)

NAME:

ADDRESS:

CITY/TOWN:  STATE:  ZIP CODE:

CONTACT PHONE NUMBER:  FAX NUMBER:

EMAIL:

## 6. Licensee Information:

Legal Name/Entity of Applicant:(e.g Corporation, LLC, Individual)

Barbeque Integrated, Inc.

Business Name (if different):

Smokey Bones Bar & Fire Grill #7515

Manager of Record:

Mike Herchuck

ABBC License Number (for existing licenses only):

Address of Licensed Premises: 431 Middlesex Road

CITY/TOWN:

Tyngsborough

STATE

MA

ZIP

01879

Business Phone: (978) 649-5410

Cell Phone:

N/A

Email: sbusa7515@smokeybones.com

Website:

Smokeybones.com

## 7. Description of Premises:

Please provide a complete description of the premises to be licensed. The description should include the location of all entrances and exits.

Ground Floor restaurant with 3 dining room, a bar, a bar dining room, lobby, vestibule and kitchen with cooler for alcohol beverage storage. See attached seating plan

**IMPORTANT ATTACHMENTS:** The applicant must attach a floor plan with dimensions and square footage for each floor & room.

Occupancy Number: 204

Seating Capacity:

325

## 8. Occupancy of Premises:

By what right does the applicant have possession and/or legal occupancy of the premises?

Lease

**IMPORTANT ATTACHMENTS:** The applicant must submit a copy of the final lease or documents evidencing a legal right to occupy the premises.

Other:

Landlord is a(n): Trust

Other

Name: Pheasant Lane Realty Associates, TRS

Phone: 317-263-2313

Address: 13205 Collections Center Drive

City/Town: Chicago

State

IL

Zip

60693

Initial Lease Term: Beginning Date

10/19/1995

Ending Date

11/3/2093

Renewal Term:

Options/Extensions at

Years Each

Rent:

1.00

per year

Rent:

per month

Do the terms of the lease or other arrangement require payments to the Landlord based on a percentage of the alcohol sales?

Yes ☐ No ☒

**IMPORTANT ATTACHMENTS:** If yes, the Landlord is deemed a person or entity with a financial or beneficial interest in this license. Each individual with an ownership interest in the Landlord must be disclosed in §10 and must submit a completed Personal Information Form attached to this application. Entity formation documents for the Landlord entity must accompany the application to confirm the individuals disclosed.

**9. Licensee Structure:**

The Applicant is a(n):

Corporation

Other:

If the applicant is a Corporation or LLC, complete the following:



State of Incorporation/Organization:

Delaware

Date of Incorporation/Organization:

10/22/2007

Is the Corporation publicly traded? Yes ☐ No ☒**10. Interests in this License:**

List all individuals involved in the entity (e.g. corporate stockholders, directors, officers and LLC members and managers) and any person or entity with a direct or indirect, beneficial or financial interest in this license (e.g. landlord with a percentage rent based on alcohol sales).

**IMPORTANT ATTACHMENTS:** All individuals or entities listed below are required to complete a Personal Information Form.

Name	Title	Stock or % Owned	Other Beneficial Interest
Please See List of Attached Officers			

\*If additional space is needed, please use last page.

**11. Existing Interests in Other Licenses:**


Does any individual listed in §10 have any direct or indirect, beneficial or financial interest in any other license to sell alcoholic beverages? Yes ☐ No ☒ If yes, list said interest below:

Name	License Type	Licensee Name & Address

\*If additional space is needed, please use last page.

**12. Previously Held Interests in Other Licenses:**

Has any individual listed in §10 who has a direct or indirect beneficial interest in this license ever held a direct or indirect, beneficial or financial interest in a license to sell alcoholic beverages, which is not presently held? Yes ☐ No ☒ **If yes, list said interest below:**

 Name	Licensee Name & Address	Date	Reason Terminated

**13. Disclosure of License Disciplinary Action:**

Have any of the disclosed licenses to sell alcoholic beverages listed in §11 and/or §12 ever been suspended, revoked or cancelled?

Yes ☐ No ☐ If yes, list said interest below: **N/A**

Date	License	Reason of Suspension, Revocation or Cancellation

**14. Criminal Record:**

Has any individual listed in §10 or who has a direct or indirect beneficial interest in this license ever been convicted of a municipal, state, federal or military crime? Yes ☐ No ☒

**If yes, the individual must provide an affidavit as to any and all charges as well as the disposition.**

**15. Citizenship and Residency Requirements for a (§15) Package Store License ONLY:**

1. Are all Directors/LLC Managers U.S. Citizens? Yes ☐ No ☐
2. Are a majority of Directors/LLC Managers Massachusetts Residents? Yes ☐ No ☐
3. Is the License Manager or Principal Representative a U.S. Citizen? Yes ☐ No ☐
4. Are all members and partners involved at least twenty-one years old? Yes ☐ No ☐

**16. Citizenship and Residency Requirements for (§12) Restaurant, Hotel, Club, General On Premise, Tavern, Veterans Club License ONLY:**

1. Are all Directors/LLC Managers U.S. Citizens? Yes ☒ No ☐
2. Are a majority of Directors/LLC Managers Massachusetts Residents? Yes ☐ No ☒
3. Is the License Manager or Principal Representative a U.S. Citizen? Yes ☒ No ☐

**17. Costs Associated with License Transaction: N/A**

A. Purchase Price for Real Property:

B. Purchase Price for Business Assets:

C. Costs of Renovations/Construction:

D. Initial Start-Up Costs:

E. Purchase Price for Inventory:

F. Other: (Specify)

**G: TOTAL COST****H. TOTAL CASH****I. TOTAL AMOUNT FINANCED**

**IMPORTANT ATTACHMENTS:** Submit any and all records, documents and affidavits including loan agreements that explain the source(s) of money for this transaction. Sources of cash should include a minimum of three (3) months of bank statements.

The amounts listed in subsections (H) and (I) must total the amount reflected in (G).

**18. Provide a detailed explanation of the form(s) and source(s) of funding for the costs identified in §17 (include loans, mortgages, lines of credit, notes, personal funds, gifts):**

N/A - this is being submitted to add an officer who holds no stock.

Additional space is needed, please use last page.

**19. List each lender and loan amount(s) from which "total amount financed" noted in subsections 17(I) will derive:**

Name	Dollar Amount	Type of Financing
N/A		

**\*If additional space is needed, please use last page.**

Does any individual or entity listed in §19 as a source of financing have a direct or indirect, beneficial or financial interest in this license or any other license(s) granted under Chapter 138? Yes ☐ No ☒

If yes, please describe:

**20. Pledge:** (i.e. collateral for a loan) **N/A**

Is the applicant seeking approval to pledge the license? ☐ Yes ☐ No

**If yes**, describe terms and conditions and to whom:

If a corporation, is the applicant seeking approval to pledge any of the corporate stock? ☐ Yes ☐ No

**If yes**, to whom:

Number of Shares

Is the applicant pledging the inventory? ☐ Yes ☐ No

**If yes**, to whom:

**IMPORTANT ATTACHMENTS:** If you are applying for a pledge, submit the pledge agreement, the promissory note and a vote of the Corporation/LLC approving the pledge.

**21. Construction of Premise** **N/A**

Are the premises being remodeled, redecorated or constructed in any way? ☐ If YES, please provide a description of the work being performed on the premises: ☐ Yes ☐ No

**If all the information is not completed the  
application may be returned**

## APPLICANT'S STATEMENT

I, Bruce F. Hawkins the: ☐ sole proprietor; ☐ partner; ☐ corporate principal; ☒ LLC/LLP member  
of Beque Integrated, Inc., hereby submit this application for Adding an Officer (hereinafter the  
'Application'), to the local licensing authority (the "LLA") and the Alcoholic Beverages Control Commission (the  
'ABCC" and together with the LLA collectively the "Licensing Authorities") for approval.

I do hereby declare under the pains and penalties of perjury that I have personal knowledge of the information  
submitted in the Application, and as such affirm that all statement and representations therein are true to the best of my  
knowledge and belief. I further submit the following to be true and accurate:

- 1) I understand that each representation in this Application is material to the Licensing Authorities' decision on  
the Application and that the Licensing Authorities will rely on each and every answer in the Application and  
accompanying documents in reaching its decision;
- 2) I state that the location and description of the proposed licensed premises does not violate any requirement of  
the ABCC or other state law or local ordinances;
- 3) I understand that while the Application is pending, I must notify the Licensing Authorities of any change in the  
information submitted therein. I understand that failure to give such notice to the Licensing Authorities may result in  
disapproval of the Application;
- 4) I understand that upon approval of the Application, I must notify the Licensing Authorities of any change in the  
Application information as approved by the Licensing Authorities. I understand that failure to give such notice to the  
Licensing Authorities may result in sanctions including revocation of any license for which this Application is  
submitted;
- 5) I understand that the licensee will be bound by the statements and representations made in the Application,  
including, but not limited to the identity of persons with an ownership or financial interest in the license;
- 6) I understand that all statements and representations made become conditions of the license;
- 7) I understand that any physical alterations to or changes to the size of, the area used for the sale, delivery,  
storage, or consumption of alcoholic beverages, must be reported to the Licensing Authorities and may require the  
prior approval of the Licensing Authorities;
- 8) I understand that the licensee's failure to operate the licensed premises in accordance with the statements and  
representations made in the Application may result in sanctions, including the revocation of any license for which the  
Application was submitted; and
- 9) I understand that any false statement or misrepresentation will constitute cause for disapproval of the  
Application or sanctions including revocation of any license for which this Application is submitted.

Signature:

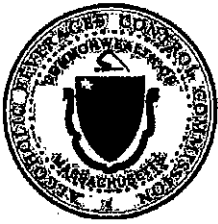
B. F. Hawkins

Date

9/21/2010

Title

Bruce F. Hawkins, CFO



The Commonwealth of Massachusetts  
Alcoholic Beverages Control Commission  
239 Causeway Street  
Boston, MA 02114  
[www.mass.gov/abcc](http://www.mass.gov/abcc)

**Personal Information Form**

Each individual listed in §10 of this application must complete this form.

**1. Licensee Information:**

Legal Name of Licensee: **Barbeque Integrated, Inc.** Business Name (d/b/a) **Smokey Bones Bar & Fire Grill #7515**  
Address: **431 Middlesex Road** ABCC License Number:   
(If existing licensee)  
City/Town **Orlando** State **MA** Zip Code **01879**  
Phone Number of Premise **(978) 649-5410** EIN of License:

**2. Personal Information:**

Individual Name **Rick A. Walters** Home Phone Number: **561-482-4341**  
Address: **17613 Circle Pond Court**  
City/Town **Boca Raton** State **FL** Zip Code **33496**  
Social Security Number Date of Birth **07/22/1963**  
Place of Employment **Sun Capital Partners**

Have you ever been convicted of a state, federal or military crime? Yes ☐ No ☒  
If yes, attach an affidavit as to all charges and disposition.

**3. Financial Interest:**

Provide a detailed description of your direct or indirect, beneficial or financial interest in this license.

N/A

**IMPORTANT ATTACHMENTS:** For all cash contributions, attach last 3 months of bank statements for the source(s) of this cash.

**\*If additional space is needed, please use the last page\***

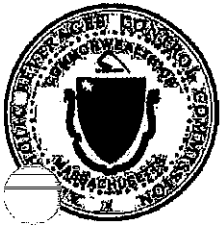
I hereby swear under the pains and penalties of perjury that the information I have provided in this application is true and accurate:

Signature **B F Hawkins**

Date **9/21/2010**

Title **Bruce F. Hawkins, CFO** (If Corporation/LLC Representative)





The Commonwealth of Massachusetts  
Alcoholic Beverages Control Commission  
239 Causeway Street  
Boston, MA 02114  
[www.mass.gov/abcc](http://www.mass.gov/abcc)

PETITION FOR TRANSFER OF OWNERSHIP N/A

ABCC License Number

City/Town

The licensee  and the proposed transferee   
respectfully petition the Licensing Authorities to approve the following transfer of ownership.

Is the PRESENT licensee a Corporation/LLC duly registered under the laws of the Commonwealth of Massachusetts?

☐ Yes ☐ No If YES, please list the officers, directors and stockholders, their residences, and shares owned by each.

Name	Title	Address	Stock or % Owned

Is the PROPOSED transferee a Corporation/LLC, duly registered under the laws of the Commonwealth of Massachusetts?

☐ Yes ☐ No If YES, please list the officers, directors and stockholders, their residences, and shares owned by each.

TO: (Place an \* before the name of each DIRECTOR/LLC Manager.)

Name	Title	Address	Stock or % Owned

The above named proposed transferee hereby joins in this petition for transfer of said license.

SIGNATURE OF LAST-APPROVED LICENSEE:

(If a Corporation/LLC, by its authorized representative)

Date Signed

SIGNATURE OF PROPOSED TRANSFEREE:

## Additional Space

Please note which question you are using this space for.

A large rectangular box for additional space, with three binder holes visible on the left edge. The box is empty and occupies most of the page below the header.

The Commonwealth of Massachusetts  
Alcoholic Beverages Control Commission  
239 Causeway Street  
Boston, MA 02114  
[www.mass.gov/abcc](http://www.mass.gov/abcc)

Print Form

**RETAIL ALCOHOLIC BEVERAGES LICENSE APPLICATION  
MONETARY TRANSMITTAL FORM**

APPLICATION SHOULD BE COMPLETED ON-LINE, PRINTED, SIGNED, AND SUBMITTED TO THE  
LOCAL LICENSING AUTHORITY.

REVENUE CODE: RETA

CHECK PAYABLE TO ABCC OR COMMONWEALTH OF MA:

NO FEE

IF USED EPAY, CONFIRMATION NUMBER:

N/A

A.B.C.C. LICENSE NUMBER (IF AN EXISTING LICENSEE, CAN BE OBTAINED FROM THE CITY):

LICENSEE NAME:

Babeque Integrated, Inc.

ADDRESS:

8529 South Park Circle, Suite 410

CITY/TOWN:

Orlando

STATE FL

ZIP CODE

32819

**TRANSACTION TYPE (Please check all relevant transactions):**

☐ Change of Hours

☒ Change of DBA

☐ Charity Wine License

THE LOCAL LICENSING AUTHORITY MUST MAIL THIS TRANSMITTAL  
FORM ALONG WITH THE CHECK, COMPLETED APPLICATION, AND  
SUPPORTING DOCUMENTS TO:

**BANK OF AMERICA  
P. O. BOX 3396  
BOSTON, MA 02241-3396**

The Commonwealth of Massachusetts  
Alcoholic Beverages Control Commission  
239 Causeway Street  
Boston, MA 02114  
[www.mass.gov/abcc](http://www.mass.gov/abcc)

PETITION FOR CHANGE OF LICENSE

No Number on License

Tyngsborough

ABCC License Number

City/Town

The licensee, **Barbeque Integrated, Inc.** respectfully petitions the Licensing Authorities to approve the following transactions:

- |  |   |
|--|---|
| <input type="checkbox"/> Change of Manager   | <input type="checkbox"/> Alteration of Premises |
| <input type="checkbox"/> Pledge of License/Stock   | <input type="checkbox"/> Cordial & Liqueurs     |
| <input checked="" type="checkbox"/> Change of Corporate Name/DBA                         | <input type="checkbox"/> Change of Location     |
| <input type="checkbox"/> Change of License Type (\$12 ONLY, e.g. "club" to "restaurant") |   |

☐ Change of Manager

Last-Approved Manager:

Requested New Manager:

☐ Pledge of License /Stock

Loan Principal Amount: \$

Interest Rate:

Payment Term:

Lender:

☒ Change of Corporate Name/DBA

Last-Approved Corporate Name/DBA:

**Smokey Bones BBQ**

Requested New Corporate Name/DBA:

**Smokey Bones Bar & Fire Grill #7515**

☐ Change of License Type

Last-Approved License Type:

Requested New License Type:

☐ Alteration of Premises: (must fill out attached financial information form)

Description of Alteration:

☐ Change of Location: (must fill out attached financial information form)

Last-Approved Location:

Requested New Location:

Signature of Licensee



(If a Corporation/LLC, by its authorized representative)

Date Signed

Bruce F. Hawkins, CFO



2010 AUG 11 AM 9:46

RECEIVED TOWN OF TYNGSBOROUGH  
TYNGSBOROUGH, MA.

*Kathy Shaver, License Specialist*  
*Licensing Solutions, Inc.*  
[Kathy@LicensingSolutions.us](mailto:Kathy@LicensingSolutions.us)

August 3, 2010

Town of Tyngsborough  
Office of the Selectmen  
Attn: Terry Gay  
25 Byrants Lane  
Tyngsborough, MA 01897

**Re: Smokey Bones Officer Registration and dba Name Change**

Dear Terry:

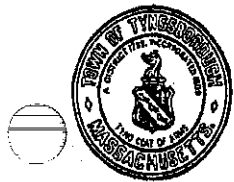
Enclosed please find the following documents necessary to add Rick Walters as an officer and to change the dba name on the liquor license for Barbeque Integrated, Inc.

1. Check payable to the Town of Tyngsboroguh for \$110.00
2. Check payable to the Commonwealth of Massachusetts for \$200.00
3. Form 43
4. Application for Alcoholic Beverage License for Retail Sale
5. Petition for Change of Location or Manager
6. Seating Plan
7. Current List of Officers and Directors
8. Rider B
9. Ownership Interests for Barbeque Integrated, Inc.
10. Corporate Minutes adding Bruce Walters as an officer to the Corporation

If you have any questions or need any additional information, please contact me at 407- 299-2555. Please also contact me to confirm your receipt and acceptance of the enclosed.

Thank you

Kathy Shaver  
License Administrator



Richard C. Burrows  
Deputy Chief

**Town of Tyngsborough**  
Police Department  
20 Westford Road  
Tyngsborough, Massachusetts 01879-0549



TEL: (978) 649 - 7504  
FAX: (978) 649 - 2324

Tyngsboro Board of Selectmen  
25 Bryants Lane  
Tyngsboro, MA 01879

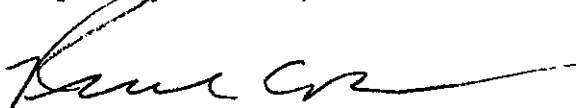
November 24, 2009

Dear Board Members,

I am in receipt of a change of manager form in regards Smokey Bones Restaurant for a Michael W. Herchuck.

I have conducted a background check and reviewed the application. I have found no derogatory information concerning Mr. Herchuck and the application appears to be in order.

Respectfully Submitted,

  
Deputy Chief Richard Burrows

NOV 25 AM 8:06  
TYNGSBOROUGH, MA

**PETITION FOR LICENSE TRANSACTION**

**The Commonwealth of Massachusetts**

October 29, 2009

☐ Change of Location

☐ Pledge of Stock

☐ Pledge of License

☐ Change of Corporate Name

☐ Change of D/B/A

☒ Change of Manager

☐ Change of License Type

☐ Cordials and Liqueurs Permit

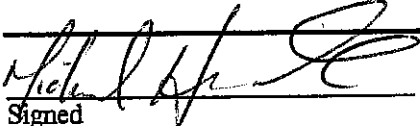
To the

**Licensing Board for the**

The undersigned respectfully petition for.

Replace Steve Blaise with Mike Herchuck as acting manager for Smokey Bones

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

  
Signed

Michael Herchuck

General Manager

Title

FORM A  
LICENSEE PERSONAL INFORMATION SHEET

THIS FORM MUST BE COMPLETED FOR EACH:

- ☐ A. NEW LICENSE APPLICANT  
☒ B. APPOINTMENT OR CHANGE OF MANAGER IN A CORPORATION  
☐ C. TRANSFER OF LICENSE (RETAIL ONLY-SEC.12 & SEC.15)

(Please check which transaction is the subject of an application accompanying this Form A.)

PLEASE TYPE OR PRINT ALL INFORMATION

ALL QUESTIONS MUST BE ANSWERED AND TELEPHONE NUMBERS PROVIDED OR APPLICATION  
WILL NOT BE ACCEPTED

1. LICENSEE NAME: Barbeque Integrated, Inc.  
(NAME AS IT WILL APPEAR ON THE LICENSE)
2. NAME OF (PROPOSED) MANAGER: Mike Herchuck
3. SOCIAL SECURITY NUMBER: \_\_\_\_\_
4. HOME (STREET) ADDRESS: 109 Victoria Street, Windsor, CT 06095
5. AREA CODE AND TELEPHONE NUMBER (S): (give both, your home telephone and a number at which you can be reached during the day).  
DAY TIME# 413-626-1010 HOME# NA
6. PLACE OF BIRTH: Springfield, MA 7. DATE OF BIRTH 10/26/1975
8. REGISTERED VOTER: ☒ YES ☐ NO 8a. Where? Springfield, MA
9. ARE YOU A U.S. CITIZEN: ☒ YES ☐ NO
10. COURT AND DATE OF NATURALIZATION: \_\_\_\_\_  
(Submit proof of citizenship and/or naturalization such as Voter's Certificate, Birth Certificate or Naturalization Papers)
11. FATHER'S NAME: William Herchuck 12. MOTHER'S MAIDEN NAME: Drew
13. IDENTIFY YOUR CRIMINAL RECORD, IF ANY (Massachusetts, Military, any other State or Federal):  
DUI, Connecticut, 3/09  
Assault 11/94 and 8/02
14. ANY OTHER ARREST OR APPEARANCE IN CRIMINAL COURT CHARGED WITH A CRIMINAL OFFENSE REGARDLESS OF FINAL DISPOSITION:  
☒ YES ☐ NO (MUST CHECK EITHER YES OR NO)
15. PRIOR EXPERIENCE IN THE LIQUOR INDUSTRY: ☒ YES ☐ NO  
IF YES, PLEASE DESCRIBE: Family owned



16. FINANCIAL INTEREST, DIRECT OR INDIRECT, IN ANY OTHER LIQUOR LICENSE, PERMIT OR CERTIFICATE: YES ☒ NO ☐  
IF YES, PLEASE DESCRIBE:

17. EMPLOYMENT FOR THE LAST TEN YEARS (Dates, Position, Employer, Address, Telephone Numbers):  
2/01 - Current Manager Smokey Bones/Barbeque Integrated, Inc., 8529 South Park Circle Suite 410, Orlando, FL 32819  
2/01 - 2008 Smokey Bones owned by GMRI, Inc 5900 Lake Ellenor Drive Orlando, FL 32809 407-245-4000)  
6/94 - 6/03 - Foreman, Hydro Pro Irrigation, 14 Robins Rd., Chicoppee, MA (413)392-1111

18. HOURS PER WEEK TO BE SPENT ON THE LICENSED PREMISES: 50

18. I HEARBY SWEAR THAT UNDER THE PAINS AND PENALTIES OF PERJURY THAT THE INFORMATION I HAVE GIVEN IN THIS APPLICATION IS TRUE TO THE BEST OF MY KNOWLEDGE AND BELIEF.

BY: Michael W. Herchuck DATE 10/29/09  
MANAGER SIGNATURE

PROPOSED

Michael W. Herchuck

Signature of CORI Authorized Employee

Date: 9/21/2010

In accordance with Massachusetts General law, Chapter 140, section 183A, hereby requests a  
weekday entertain license for:

**Establishment:** Smokey Bones Bar & Fire Grill #7515

Address: 431 Middlesex Road  
Tyngsborough, MA

**Weekday Entertainment at the above mentioned establishment will include the following:**

_____	Dancing by patrons
_____	Vocalists
✓ _____	Disc Jockey
_____	Jukebox
_____	Orchestra (please state number of pieces)
✓ _____	Bands (please state number of pieces) See Attachment "A"
_____	Floor Show (please describe)

\_\_\_\_\_ Television  
 \_\_\_\_\_ Radio/Stereo  
 \_\_\_\_\_ Piped in Music  
 ✓ \_\_\_\_\_ OTHER: (please describe fully)  
                   Texas Hold' em - See attachment "A" for details  
                   Trivia, Jeopardy, Family Feud- Please see attachment "A" for details  
                   Karaoke - See attachment "A" for details

Please use additional pages as needed to fully describe the type and scope of the proposed entertainment. **PLEASE NOTE:** Should you be granted a license, only those activities specifically identified in this application form will be deemed licensed, and that any activity not specifically identified or described will not be deemed to be licensed.

### HOURS WHICH ENTERTAINMENT WILL BE CONDUCTED

Monday	<u>8:00pm</u>	to	<u>2:00am</u>
Tuesday	<u>8:00pm</u>	to	<u>2:00am</u>
Wednesday	<u>8:00pm</u>	to	<u>2:00am</u>
Thursday	<u>8:00pm</u>	to	<u>2:00am</u>
Friday	<u>8:00pm</u>	to	<u>2:00am</u>
Saturday	<u>8:00pm</u>	to	<u>2:00am</u>

I agree not to change the type of entertainment provided in my establishment without the prior written permission of the Local Licensing Authority. ( )

**Signature of Licensee:**

**Mary Anne Ferrell, Power of Attorney**

**TOWN OF TYNGSBOROUGH  
APPLICATION FOR SUNDAY ENTERTAINMENT**

Date: 9/21/10

In accordance with Massachusetts General law, Chapter 136 and 140, section 183A, hereby requests a weekday entertain license for:

Establishment: Smokey Bones Bar & Fire Grill #7515

Address: 431 Middlesex Road  
Tyngsborough, MA

Weekday Entertainment at the above mentioned establishment will include the following:

<u>      </u>	Dancing by patrons
<u>      </u>	Vocalists
<u>  ✓  </u>	Disc Jockey
<u>      </u>	Jukebox
<u>      </u>	Orchestra (please state number of pieces)
<u>  ✓  </u>	Bands (please state number of pieces)
<u>      </u>	Floor Show (please describe)
<u>      </u>	
<u>      </u>	Television
<u>      </u>	Radio/Stereo
<u>      </u>	Piped in Music
<u>  ✓  </u>	OTHER: (please describe fully)
	<u>Texas Hold'em - Please see attachment "A" for details</u>
	<u>Trivia, Jeopardy, Family Fued - Please see attachemnt "A" for details</u>
	<u>Karaoke - Please see attachemnt "A" for details</u>

Please use additional pages as needed to fully describe the type and scope of the proposed entertainment. **PLEASE NOTE:** Should you be granted a license, only those activities specifically identified in this application form will be deemed licensed, and that any activity not specifically identified or described will not be deemed to be licensed.

**HOURS WHICH ENTERTAINMENT WILL BE CONDUCTED**

Sunday 8:00PM to 2:00AM

I agree not to change the type of entertainment provided in my establishment without the prior written permission of the Local Licensing Authority.

Signature of Licensee:

  
Mary Anne Ferrell, Power-of-Attorney

## **Attachment A**

### **Bands**

1) 2 Guitars/Singer/Drummer

### **Texas Hold'em**

- 1) Non – Gambling Poker
- 2) Charity Poker Tournaments

### **Trivia, Jeopardy and Wheel of Fortune**

- 1) DJ is wired and set up under two T.V. monitors
- 2) Contestants are given a wireless buzzer used to determine who answers the questions on the monitors first; plays up to 4 contestants at a time
- 3) The other games are filtered into the system as listed above

**Note:** The above-mentioned entertainment will be interchangeable on the nights and times listed on the application

Limited Power of Attorney

KNOW ALL MEN BY THESE PRESENTS: That Barbeque Integrated, Inc., a Delaware corporation, has made, constituted and appointed, and by these presents does make, constitute and appoint Mary Anne Ferrell and Kimberly Bell as representatives of Licensing Solutions, Inc. for it and in its name, place and stead, granting unto the said Limited Power of Attorney:

- i. To execute all documents necessary for the purpose of completing the filing and issuance of any and all permits, licenses or other authorizations necessary for the opening and operation of Smokey Bones restaurants located in the United States.
- ii. To sign, endorse, execute, acknowledge, deliver, receive and possess such applications, as may be necessary to accomplish the issuance of such permits, licenses and authorizations.

IN WITNESS WHEREOF, the Principal has caused this Limited Power of Attorney to be executed on its behalf by Barbeque Integrated, Inc., a Delaware corporation, this 19 day of November, 2008.

Signed and sealed in the presence of:

Witness:

BARBEQUE INTEGRATED, INC.

Print Name

Erika Sager

By:

Mark Hajduch  
Mark Hajduch, Vice President

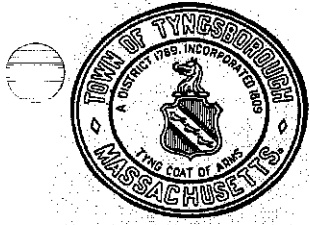
STATE OF FLORIDA  
COUNTY OF ORANGE

The foregoing instrument was acknowledged before me this 19 day of November, 2008 by Mark Hajduch as Vice President of Barbeque Integrated, Inc., a Delaware corporation, who produced driver's license as identification.

Allison Herbert  
Notary Public

My Commission Expires: May 4, 2010





## TOWN OF TYNGSBOROUGH

Office of the Selectmen

25 Bryant Lane

Tyngsborough, MA 01879

Tel: 978 649-2300 Ext. 100

Fax: 978 649-2320

### Board of Selectmen Meeting Minutes

**DRAFT**

Monday September 13, 2010

6:00 P.M.

Town Offices

Member Present: Selectwoman Ashley O'Neill, Selectwoman Elizabeth Coughlin, Selectman Rick Reault, Selectman Rich Lemoine, Selectman Robert Jackson.

Staff: Town Administrator Michael Gilleberto, Admin. Assistant Therese Gay

"The listing of matters are those reasonable anticipated by the Chairman which may be discussed at the meeting. Not all items listed may in fact be discussed, and other items not listed may also be brought up for discussion to the extent permitted by law."

#### 1. 6:00 P.M Open Meeting

The Chairman opened the meeting, the Board was introduced and the agenda was read.

#### 2. New Business

- 6:05 P.M. Flint Road Pole Petition Hearing

The Board voted on a motion by Selectwoman Coughlin, second by Selectman Jackson to open the continued pole petition hearing.

Verizon engineer submitted a revised plan showing where the stub pole will be placed and the abutters were notified and the site visit on Flint Road was completed. Mr. Joe Gleason was present and reiterated the petition to replace a stub pole to house the guide wire that has been attached to a tree. The tree is on private property and the owner is removing the tree. There will be no cutting or pruning of trees in the public way. The Board voted 5-0 on a motion by Selectwoman Coughlin, second by Selectman Jackson to approve the Plan No. 730, dated 4/22/10 to place one stub pole on Flint road.

- 6:20 P.M. MASS DOT/Pawtucket Blvd Redesign

The Board voted 5-0 on a motion by Selectwoman Coughlin, second by Selectman Jackson to open the continued hearing for the Pawtucket Blvd redesign.

Ms Carrie Lavalley and Ms Beverly Wood were in attendance to review the changes and the new plans and answered any questions the Board had. Town Counsel has drawn up a new Land Damage Agreement and will deliver it to MASS Dot's Legal Counsel. The Board voted 5-0 on a motion by Selectwoman Coughlin, second by Selectman Jackson to approve the new Land Damage Agreement contingent on a Town Meeting approval.

- 6:45 P.M. Entertainment License Modification - Maxamillian's Billiards

The Board received a report from the Chief of Police stating that Maxamillians Billiards was operating a Texas Holdem Poker Tournament. It was at the time deemed illegal gambling. Attorney Peter Nicosia, and owner Glen Stanbury were present to answer any questions the Board may of had. Upon further investigation by Town Counsel, and Defense Counsel it was deemed a legal practice so long as the players did not pay an entry fee, bet or otherwise contributed something of value to play in a poker tournament, it does not constitute a lottery. A poker tournament in which participants pay nothing to plan (meaning players neither pay an entry fee nor bet money during the game) may award prizes to winning players. Mr. Stanbury needed to submit a request for an entertainment license modification to include the non gambling poker and charity poker tournaments along with modeling and fashion shows. The Board after reviewing the application and having no further questions and/or comments the Board voted 5-0 on a motion by Selectman

Lemoine, second by Selectman Jackson to approve the modified entertainment license to include the non gambling poker and charity poker tournaments.

- 7:00 P.M. Common Victualler Request – Mobil on the Run

The Global Montello Group, Corp, DBA Mobil #2701 is the new owner of the Mobil on the Run and are looking to transfer the Common Victualler License in their name. All of the paperwork is in order. The Board voted 5-0 on a motion by Selectman Jackson, second by Selectman Reault to approve the transfer of the Common Victualler License to Global Montello Group, Corp as presented.

- Livery License Request – Harris Limousine

Mr. Harris is looking for a Livery License to operate his Limousine Service from 276 Middlesex Road. He will place his vehicles on the lot as soon as the septic system is complete which will be shortly. It is a good spot to store and advertise. The application and additional paperwork is all in order. The Police Department did the background check on all of the drivers. The Board voted 5-0 on a motion by Selectman Lemoine, second by Selectman Reault to approve the request for a Livery License to Harris Limousine at 276 Middlesex Road. Mr. Harris will supply the office with a Workers' Compensation License.

- 7:15 P.M. Manager Change Request – Carrabba's Italian Grill

Carrabba's Italian Grill, Tyngsborough, MA has petition the Board for a Manager Change, all of the paper work is in order the background check was completed and no infractions reported. The Board welcomed Ms Kimberly Hanson, Ms Hanson will be the new manager she has prior experience and is certified to teach the Alcohol Servers Certification program. The Board voted 5-0 on a motion by Selectman Jackson, second by Selectman Reault to approve the transfer as submitted.

- 7:30 P.M. Auto Amuse/Entertain License Request – Funtageous, Inc. 18 Pondview Pl.

Mr. Joe DiPilato has submitted an application for Automatic Amusement License and for an Entertainment License for Weekday and Weekends. He has a Special Permit for a Family Indoor Recreation Facility. The necessary work to complete the space is taking a little longer that first thought, Mr. DiPilato will renovate and open a recreation facility on the first floor. He has acquire the necessary permits to renovate and will be issued a temporary occupancy for a six month period while the second floor is completed. The paper work in is order. The Board voted 5-0 on a motion by Selectman Lemoine, second by Selectwoman Coughlin to approve the Automatic Amusement and the Weekday and Weekend Entertainment License to Funtageous, Inc. at 18 Pondview Place.

- Appointment of 4 Reserve Officers – Police Department

The Board has received the resumes of 4 Reserve Officer the Chief is asking the Board to appoint. They will complete the Academy training by the end of the month and the Chief will have 3 more Reserved Officers in training. Once all Reserve Officers have completed the Academy he will bring the officers in to meet the Board. The Board voted 5-0 on a motion by Selectwoman Coughlin, second by Selectman Reault to appoint Kevin Roman, David Salvucci, Nathan Abdallah, and Daniel Whitman as Tyngsborough Reserve Officers.

- Peddlers and Hawkers License Request – 138 Middlesex Road

The Board has received a letter from Mr. Bailey asking for a Peddlers and Hawkers License from the Board to be able to sell farm grown produce at 138 Middlesex Road. Mr. Bailey grows his vegetables in NH and would like to sell his produce here in Tyngsborough. The Board has reviewed the request and has conferred with Town Counsel. The Board needs more information on the matter and has contacted Mr. Bailey for additional information.

- Special Town Meeting – Discussion

The Town Administrator and the Board have discussed the possibility of having a Town Meeting at the end of October. There are some issues that will need to be addressed. The departments are still finishing the report to see what is needed and how long it would take to prepare. There is a possibility that the Board may have to wait until after the State Election. The Town Clerk is very busy with the State Primaries and then the State Election.



### **3. Citizen/Business Time**

Citizens or business owners may contact the Office of the Selectmen to request to address the Selectmen during citizen/business time. Citizens or business owners who have not contracted the Office of the Selectmen in advance may address the Board of Selectmen on matters of interest to the public for not more than five (5) minutes.

- No one came forward this evening

### **4. Approve Minutes**

- Monday July 26, 2010
- Monday August 2, 2010
- Monday August 16, 2010
- Monday August 30, 2010

The Board voted 4-0-0 on a motion by Selectman Jackson, second by Selectman Reault to approve the Minutes of Monday, July 26, 2010; Monday, August 2, 2010; Monday, August 16, 2010 and Monday, August 30, 2010. Selectman Jackson abstains from voting on the Minutes of Monday, July 26, 2010. And Selectman Lemoine abstains from voting on the Minutes of Monday, August 30, 2010.

### **4. Approve and Not Release Executive Session Minutes**

- Monday July 26, 2010
- Monday August 2, 2010
- Monday August 16, 2010
- Monday August 30, 2010

The Board voted 4-0-0 on a motion by Selectman Jackson, second by Selectman Reault to approve and not release the Minutes of Monday, July 26, 2010; Monday, August 2, 2010; Monday, August 16, 2010 and Monday, August 30, 2010. Selectman Jackson abstains from voting on the Minutes of Monday, July 26, 2010. And Selectman Lemoine abstains from voting on the Minutes of Monday, August 30, 2010.

### **5. Old Business**

- Appointment – Economic Development Committee

Ms Tracy Connors submitted a letter of interest to remain a member of the Economic Development Committee. The Board voted 5-0 on a motion by Selectman Lemoine, second by Selectman Jackson to appoint Tracy Connor as a member of the Economic Development Committee.

### **6. Correspondence**

Documents are available online at [www.tyngsboroughma.gov](http://www.tyngsboroughma.gov)

The Board after reviewing the correspondence voted on a motion by Selectman Reault, second by Selectman Lemoine to accept the correspondence as read for discussion. Some discussion on the former campground turned park, the Recreation Committee has submitted a letter suggesting the formation of a committee to oversee the park area. The Greater Lowell Voke has revised their budget and has informed the Town that the assessment has been decreased. The Economic Development has met and are working on the Code Assessment for the Barn.

### **7. Selectmen's Reports**

- Selectman O'Neill – SFPC, Vietnam Memorial, Primary Elections

A reminder to everyone that Tuesday is the State Primaries and the Local Debt Exclusion Ballot Question. The Vietnam Memorial looks great thank you to Mr. Hammer for beautifying the Memorial.

- Selectman Coughlin – Energy and Environmental Affairs/Licenses

Selectwoman Coughlin is working on a couple of projects, the wind and solar by-laws, the National Grid Gas install, the Street Lights and also filed for Intervener Status to the Federal Energy Regulatory Commission the licensee being Boott Hydropower, Inc. and the hydroelectric power project, the Pawtucket Dam located on the Merrimack River.

- Selectman Reault – Northern Middlesex Council Of Government

The Pawtucket Blvd redesign is going to bid this month. And still working with NMCOG on the Housing Plan and the Affordable Housing Plan updates.

- Selectman Lemoine – Economic Development

The Code Analysis on the Barn is to be done, the fencing funds are available through Town Meeting Vote but cannot use it until the Historical Commission designates the center having Historical Significance, and the Historical Commission is not ready to make that statement at this time. Selectman Lemoine announced the departure of the Building Commissioner. He was a team player, professional and he will be a lost to the Community.

- Selectman Jackson – The Early Childhood Center

The Committee has not met and have received no info to date. The employee contracts are now up on the Town's Web page and the SFPC report will be ready soon.

## **8. Town Administrator's Reports**

Report is available online at [www.tyngsboroughma.gov](http://www.tyngsboroughma.gov)

- Response to Selectmen's Requests

Letter sent to Animal Inspector regarding reports. The Contracts are posted on the web page. And the Superintendent of the Greater Lowell Technical School indicated that the school is willing to help, the project would need to be operated as a work placement.

- Budget

Tyngsborough has been awarded additional federal education dollars, which will funnel through the state. More information is forthcoming.

- Departmental Information

Building Inspector: Don Crowell is on as Interim Building Commissioner. He will work Tuesday through Thursday and is on call as needed. The posting for the permanent position went up Friday.

Wiring and Plumbing/Gas Inspector: applications are coming in.

Departmental Hours: in an effort to improve customer service, I am assembling a singular list of all Town Hall department hours for the public. It will run on Channel 8, the website, and posted throughout Town Hall.

Sewer Commission: The Sewer Commission has completed interviews of candidates for the position of Sewer Administrator.

- Contracting/Procurement – No report
- Other

Attached is a draft RFP for grant writing services. I will be attending the Inspector General's Purchasing Class September 21-23. I will be attending the MMA meeting this Thursday morning. Online correspondence: the correspondence is scanned and posted online. Any material that may contain personal identification as well as internal correspondence regarding legal and pre-policy matters is not posted on line. Request to view such information will continue to be honored by the Administration on a case-by-case basis in compliance with appropriate state and federal laws.

## **9. 8:00 P.M. Work Session**

The Board voted 5-0 on a motion by Selectman Lemoine, second by Selectman Jackson to enter into a Work Session and to exit the Work Session and to enter into an Executive Session to discuss collective bargaining and to exit Executive Session and enter into open session only to adjourn. The Board entered into the Work Session at 7:30 P.M.

The Board discussed their procedure to use on conducting their meetings in a timely and respectful fashion. All information is processed and sent to the Board. The Board also discussed setting goals for 2011; any correspondence sent out by the Administration and/or Board Member the Board should be copied on. The Selectmen exited the Work Session at 7:55 P.M.

**10. 8:30 P.M. Executive Session**

The board may move to go into executive session to discuss strategy with respect to collective bargaining, litigation, or exempt negotiations if an open meeting may have a detrimental effect on such subject matters.

- **Collective Bargaining**

The Board voted 5-0 on a motion by Selectman Lemoine, second by Selectman Jackson to enter into Executive Session to discuss collective bargaining and to exit the Executive Session return to open session only to adjourn. Roll Call Vote: Selectman Jackson, yes; Selectman Lemoine, yes; Selectwoman Coughlin, yes; Selectwoman O'Neill, yes; Selectman Reault, yes.

The Board entered Executive Session 7:55 P.M.

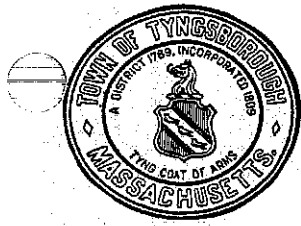
**11. 9:30 P.M. Adjournment**

The Board voted 5-0 on a motion by Selectman Jackson, second by Selectman Reault to adjourn the meeting. The Board adjourned at 8:37 P.M.

Respectfully Submitted

Therese Gay  
Admin Assistant

Approved on: \_\_\_\_\_



## TOWN OF TYNGSBOROUGH

Office of the Selectmen

25 Bryant Lane

Tyngsborough, MA 01879

Tel: 978 649-2300 Ext. 100

Fax: 978 649-2320

### Board of Selectmen Meeting Agenda

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Monday September 13, 2010

6:00 P.M.

Town Offices

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"The listing of matters are those reasonable anticipated by the Chairman which may be discussed at the meeting. Not all items listed may in fact be discussed, and other items not listed may also be brought up for discussion to the extent permitted by law."

#### **1. 6:00 P.M Open Meeting**

#### **2. New Business**

- 6:05 P.M. Pole Petition Hearing
- 6:20 P.M. MASS DOT
- 6:45 P.M. Entertainment License Modification - Maxamillian's Billiards
- 7:00 P.M. Common Victualler Request – Mobil on the Run, and
  - Livery License Request – Harris Limousine
- 7:15 P.M. Manager Change Request – Carrabba's Italian Grill
- 7:30 P.M. Auto Amuse/Entertain License Request – Funtageous, Inc. 18 Pondview Pl.
- Appointment of 4 Reserve Officers – Police Department
- Peddlers and Hawkers License Request – 138 Middlesex Road
- Special Town Meeting - Discussion

#### **3. Citizen/Business Time**

Citizens or business owners may contact the Office of the Selectmen to request to address the Selectmen during citizen/business time. Citizens or business owners who have not contracted the Office of the Selectmen in advance may address the Board of Selectmen on matters of interest to the public for not more than five (5) minutes.

#### **4. Approve Minutes**

- Monday July 26, 2010
- Monday August 2, 2010
- Monday August 16, 2010
- Monday August 30, 2010

#### **4. Approve and Not Release Executive Session Minutes**

- Monday July 26, 2010
- Monday August 2, 2010
- Monday August 16, 2010
- Monday August 30, 2010

#### **5. Old Business**

- Appointment – Economic Development Committee

#### **6. Correspondence**

Documents are available online at [www.tyngsboroughma.gov](http://www.tyngsboroughma.gov)

**7. Selectmen's Reports**

- Selectman O'Neill – SFPC, Vietnam Memorial, Primary Elections
- Selectman Coughlin – Energy and Environmental Affairs/Licenses
- Selectman Reault – Northern Middlesex Council Of Government
- Selectman Lemoine – Economic Development
- Selectman Jackson – The Early Childhood Center

**8. Town Administrator's Reports**

Report is available online at [www.tyngsboroughma.gov](http://www.tyngsboroughma.gov)

- Response to Selectmen's Requests
- Budget
- Departmental Information
- Contracting/Procurement
- Other

**9. 8:00 P.M. Work Session**

**10. 8:30 P.M. Executive Session**

The board may move to go into executive session to discuss strategy with respect to collective bargaining, litigation, or exempt negotiations if an open meeting may have a detrimental effect on such subject matters.

- Collective Bargaining

**11. 9:30 P.M. Adjournment**

Future Meetings

Selectmen's Meeting Monday, September 27, 2010 at 6:00 P.M. at Town Hall Offices

Selectmen's Meeting Monday, October 4, 2010 at 6:00 P.M. at Town Hall Offices

Columbus Holiday, Monday, October 11, 2010 Town Offices are Closed.

Selectmen's Meeting Monday, October 18, 2010 at 6:00 P.M. at Town Hall Offices

Selectmen's Meeting Monday, November 1, 2010 at 6:00 P.M. at Town Hall Offices

Juli Rogers  
29 Riverbend Road  
Tyngsborough, MA 01879  
978 458 5634

2010 SEP 13 PM 5:35

BOARD OF SELECTMEN  
TYNGSBOROUGH, MA.

September 9, 2010

Board of Selectmen  
Town of Tyngsborough  
25 Bryants Lane  
Tyngsborough, MA 01879

Dear Chairman O'Neill and Board Members,

I would like to express my interest in serving on the Tyngsborough Cultural Council Committee.

While working for the Lowell Office of Cultural Affairs, I became familiar with the state grant process and have advised grant applicants in the process, accepted applications and attended grant hearings during the review process and during the awarding of the funding.

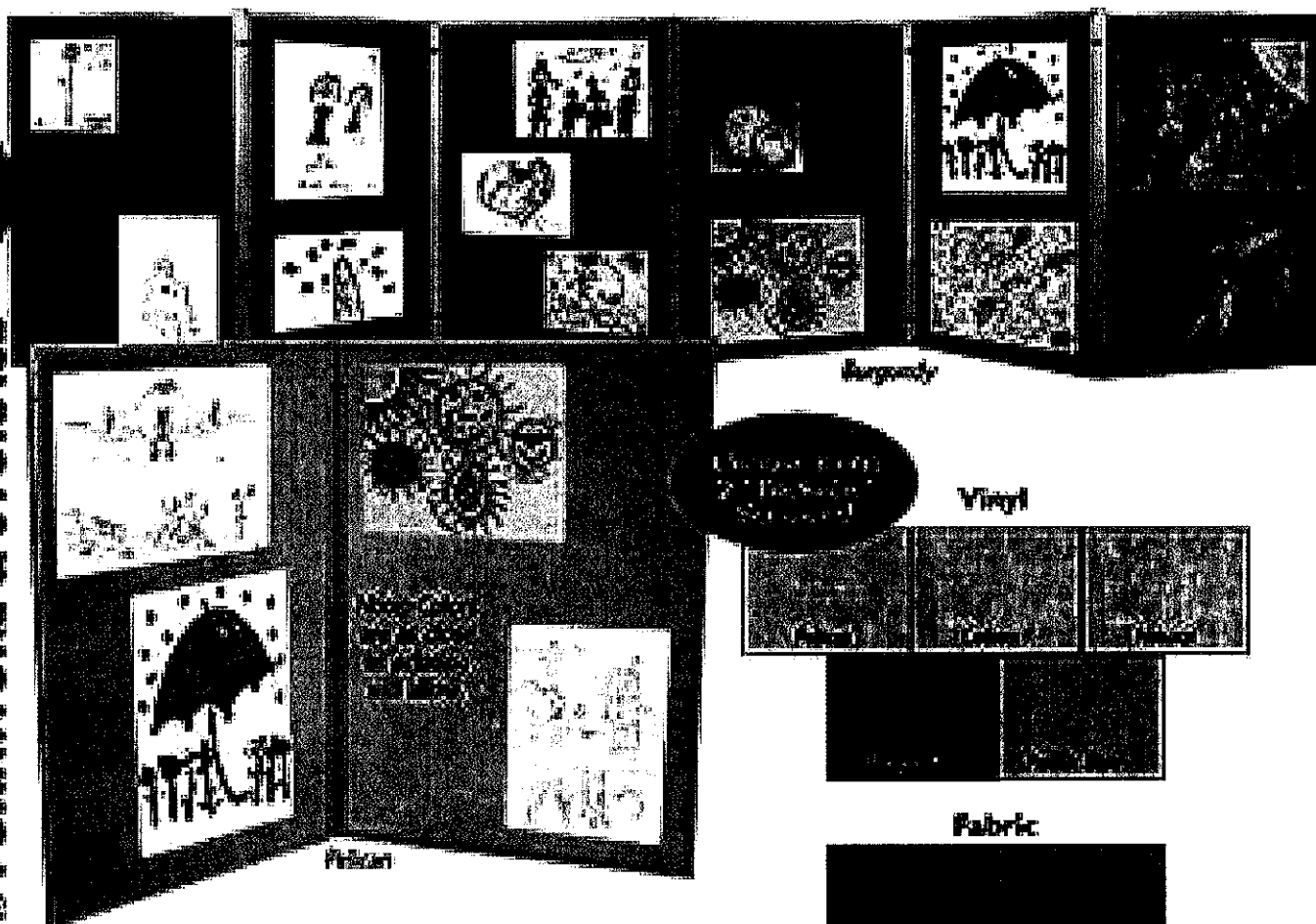
I took an interest in art museums since visiting New York City's Metropolitan Museum as a teenager and I have been involved in the arts in the City of Lowell for over ten years. During my employ with the Lowell Office of Cultural Affairs, I helped to plan, execute, and take part in first night events as well as a mock Academy Awards, and a Jazz Harvest that were considered the best fundraising events the City of Lowell has seen. In addition, I aided in the content and editing of the quarterly cultural calendar of events.

I have held memberships with Lowell's Whistler House Museum, Brush Art Gallery, 119 Gallery as well as the Museum of Fine Arts, Museum of Science, Isabella Stewart Gardner Museum and the Nichols House Museum in Boston, Massachusetts.

I would be happy to utilize my past experience with the cultural council grant process to benefit the Town of Tyngsborough. I look forward to hearing from you.

Sincerely,

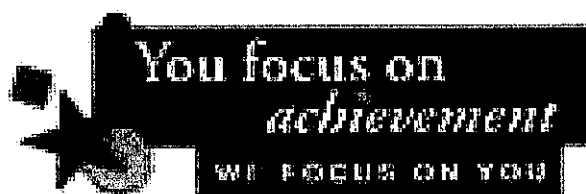
  
Juli Rogers



## Art Display Units

- Convert any open area into an art gallery
- Self-supporting, interlocking panels are 4' wide by 6' high for maximum floor-to-eye level work/display space
- Constructed of 1/2" thick board covered with a heavy-duty 26 oz. vinyl, a removable washable surface which is self-healing or a high quality fabric that accepts hood and loop fasteners but is also tearable
- Panels are securely set into heavy-duty 1" angled steel aluminum frames for maximum stability
- Units are complete - no tools required for assembly
- Available in 2 panels (12 finished sides) for 96 square feet of space or 6 panels (12 finished sides) for 388 square feet of space

See Pages 197-199 for Framing and Display Accessories.



...always  
value-driven  
arts education products.

Burgundy

12 finished sides  
96 square feet of space

Vinyl



Fabric



## 2-Panel Units

Two finished sides (12' wide by 6' high) for 96 square feet of space. Ship wt. 500 lbs.

	FINISH	COLOR	PRICE
4-1010140-395	Vinyl	Polka	\$411.00
4-1010140-396	Vinyl	Green	\$411.00
4-1010140-397	Vinyl	Natural	\$411.00
4-1010140-398	Vinyl	Burgundy	\$411.00
4-1010140-399	Vinyl	Polka Blue	\$411.00
4-1010140-701	Fabric	Indigo	\$411.00
4-1010140-702	Fabric	Blue	\$411.00
4-1010140-703	Fabric	Gray	\$411.00
4-1010140-704	Fabric	Maroon	\$411.00

## 6-Panel Units

Sixteen finished sides (12' wide by 6' high) for 388 square feet of space. Ship wt. 1750 lbs.

	FINISH	COLOR	PRICE
4-1010140-705	Vinyl	Polka	\$1,311.00
4-1010140-706	Vinyl	Green	\$1,311.00
4-1010140-707	Vinyl	Natural	\$1,311.00
4-1010140-708	Vinyl	Burgundy	\$1,311.00
4-1010140-709	Vinyl	Polka Blue	\$1,311.00
4-1010140-710	Fabric	Indigo	\$1,311.00
4-1010140-711	Fabric	Blue	\$1,311.00
4-1010140-712	Fabric	Gray	\$1,311.00
4-1010140-713	Fabric	Maroon	\$1,311.00



## THE EDUCATION FOUNDATION FOR TYNGSBOROUGH, INC.

Please review information about our grant program, including criteria for grants and grant review process, at [www.eftyng.org](http://www.eftyng.org) before submitting an application.

**Final submission date:** March 15 (Spring) / October 15 (Fall – *Not Currently Available*)

Spring Grants will be decided by May 15 and applicants notified by May 30.

Fall Grants, when available, will be decided by December 15 and applicants notified by December 30.

**All Grants will be formally announced and celebrated at our Annual Awards Ceremony in June.**

**Submit your completed application to:** Education Foundation for Tyngsborough, Inc.

P.O. Box 370, Tyngsborough, MA 01879.

If you have any questions, please contact Sharon Hoole (masspenn19@yahoo.com or 978/649-3973), Diana Keohane (dianakeohane@comcast.net or 978/649-4357) or Phyllis Beck (p7beck@msn.com or 978/649-4481).

### Part I: GRANT PROJECT INFORMATION

1. **Title of Grant:** Public Art Display of Tyngsborough Students' Artwork
2. **Amount requested:** \$1,257.83
3. **Participants:** How many participants do you expect?  

<input checked="" type="checkbox"/> <u>      </u> TES	<input checked="" type="checkbox"/> <u>      </u> THS
<input checked="" type="checkbox"/> <u>      </u> TMS	<u>      </u> Other (please explain)
4. **Summary:** Please provide a **one- or two-sentence** summary of your project.  
I plan to create a display space at Town Hall for the purpose of presenting  
student artwork from the elementary, middle, and high schools to the  
community.
5. **Location:** Where will your project be conducted?  
Tyngsborough Town Hall
6. **Number and length of sessions:**  
1 session; indefinitely

### Part II: GRANT PROJECT DESCRIPTION

Please attach a written description of the following information. Do not exceed one page each.

7. **Project description.**
8. **Detailed project timeline.**
9. **Benefits:** How will participants benefit from this project?
10. **Evaluation:** What process(es) will be used to evaluate and report the success of the project upon its completion?



### Part III: FINANCIAL INFORMATION

11. Has this grant proposal been funded by the Education Foundation for Tyngsborough or any other group or organization in prior years? ☐ Yes ☐ No

If yes, from whom? \_\_\_\_\_

Was the project fully or partially funded? \_\_\_\_\_

12. Are you seeking other sources of funding? ☐ Yes ☐ No

If yes, how much is being requested and from whom? \_\_\_\_\_

When will you receive a determination on this additional source of funding? \_\_\_\_\_

13. Please attach a detailed breakdown/explanation of how grant monies will be spent. Be sure to address costs for:
- a. **Supplies;**
  - b. **Equipment** (Please explain why it is needed and how it will be used at completion of project);
  - c. **Personnel** (Please include hourly rate and total number of hours).

14. Could this grant be partially funded? ☐ Yes ☐ No

If yes, please explain how and the amount of money necessary for this option. Display boards for the lobby could be purchased for \$697.70. Display boards for the hallway are \$157.71 each and \$87 for shipping.

15. **Payment Information:** Payments will be made to the Tyngsborough Public School district for reimbursement to the applicant upon implementation of the project.

### Part IV: APPLICANT INFORMATION

(Please note that all correspondence regarding this grant will be sent to the primary applicant only.)

16. Primary Applicant:

Name: Katherine Capistrone

Title and Organization: Art Teacher; Tyngsborough High School

Affiliation with the Tyngsborough Public School District, including:

(a) position(s) held Art Teacher

(b) date(s) August 2003- present and

(c) locations Tyngsborough High School

Mailing Address: 36 Norris Road Tyngsborough MA 01879

E-Mail Address: katherine.capistrone@tyngsboroughps.org

Telephone: 978-649-7571

Additional Applicant(s) (*attach additional sheets as necessary for additional applicants*):

Name: \_\_\_\_\_

Title and Organization: \_\_\_\_\_

Affiliation with the Tyngsborough Public School District, including:

(a) position(s) held \_\_\_\_\_

(b) date(s) \_\_\_\_\_ and

(c) locations \_\_\_\_\_

Mailing Address: \_\_\_\_\_

E-Mail Address: \_\_\_\_\_

Telephone: \_\_\_\_\_

17. If portions of the grant project will be performed by individuals other than the applicant(s), please supply the following information for each recipient: (*Attach a separate sheet if necessary.*)

Name: \_\_\_\_\_

Title: \_\_\_\_\_

Organization: \_\_\_\_\_

(a) position(s) held \_\_\_\_\_

(b) date(s) \_\_\_\_\_

Mailing Address: \_\_\_\_\_

E-Mail Address: \_\_\_\_\_

Telephone: \_\_\_\_\_

#### **Part V: AUTHORIZATIONS AND SIGNATURES**

- Programs offered at a single school require the authorizing signature of that school's principal.
- Programs available at more than one school should have the authorizing signature of each school's principal.
- Programs that involve all schools require an authorizing signature from Central Administration personnel such as the Curriculum Coordinator, Director of Special Education, or the Superintendent of Schools.
- Education Foundation for Tyngsborough will only fund equipment for which there is a demonstrated need and which plays an integral part of a grant request. Any equipment funded by an Education Foundation for Tyngsborough grant becomes the property of the Tyngsborough Public School District and a signature attesting to this is required on the application at the time of submission.

**18. Signatures:**

\_\_\_\_\_  
Primary Applicant

\_\_\_\_\_  
Additional Applicant(s) – *Attach additional sheets or signatures below, as necessary*

\_\_\_\_\_  
Authorizing Agent(s) – *Attach additional sheets or signatures below, as necessary*

## **Part V: CHECKLIST**

**(For your records only. Do not submit with your application.)**

Please take a moment to review this check list to be sure you have included all of the following required elements:

- ☐ **Target population identified**
- ☐ **Objectives identified**
- ☐ **Specific timeline identified**
- ☐ **Anticipated benefits detailed**
- ☐ **Evaluation process detailed**
- ☐ **Responsible and detailed budget attached**
- ☐ **Administrators or other persons necessary for project success identified**
- ☐ **Necessary authorizations included with required signatures (see Section V)**
- ☐ **Application contains all necessary signatures (Section V, item 18)**

Thank you for submitting an application. The Education Foundation for Tyngsborough acknowledges the time, effort and consideration applicants expend in creating each proposal. We truly appreciate your interest in enhancing the education of our children and youth.

## **Part II: Grant Project Description**

### **7. Project Description**

Beginning in the summer of 2010, five, new art display boards would be installed at town hall. Two boards, each four feet wide by eight feet tall would be placed in the lobby. Three additional panels, also four feet by eight feet, would line the hallway of the town offices. Once the school year begins and students have created artwork, the first display of work would be created in September. From then on, each month would feature artwork from a different school, a brief description of the assignment on display, and the teacher's name and email address for contacting with comments and feedback.

### **8. Detailed project timeline**

- Summer 2010 – Order Display Boards & Install at Town Hall
- September 2010 – First Display of Student Artwork is Installed
- October 2010 – June 2010 – Displays of Student Artwork are changed monthly with each school, Tyngsborough Elementary, Tyngsborough Middle, & Tyngsborough High rotating by month on display
  - Example: September- Elementary School, October – Middle School, November – High School, December – Elementary School, and so on...

### **9. Benefits**

- Creating and exhibiting artwork fulfills Massachusetts Arts Curriculum Standards
  - The Arts Disciplines: Visual Arts
    - PreK-12: Standard 4: Drafting, Revising, and Exhibiting
      - By the end of grade 4, students will select works for exhibition and work as a group to create a display (4.2).
      - By the end of grade 8, students will create and prepare artwork for a group or individual public exhibitions (4.8).
      - By the end of basic study in grades 9-12, students will choose and prepare artwork for exhibition; and be able to discuss their choices (4.12).
      - By the end of extended study in grades 9-12, students will organize and present an exhibit of a body of their own work to others (4.16).
- Provides a place to display student work outside of the individual schools and class websites.
- Creates an opportunity for recognition of student success by community members.
- Increases community awareness of the visual arts programs at each of the three schools.

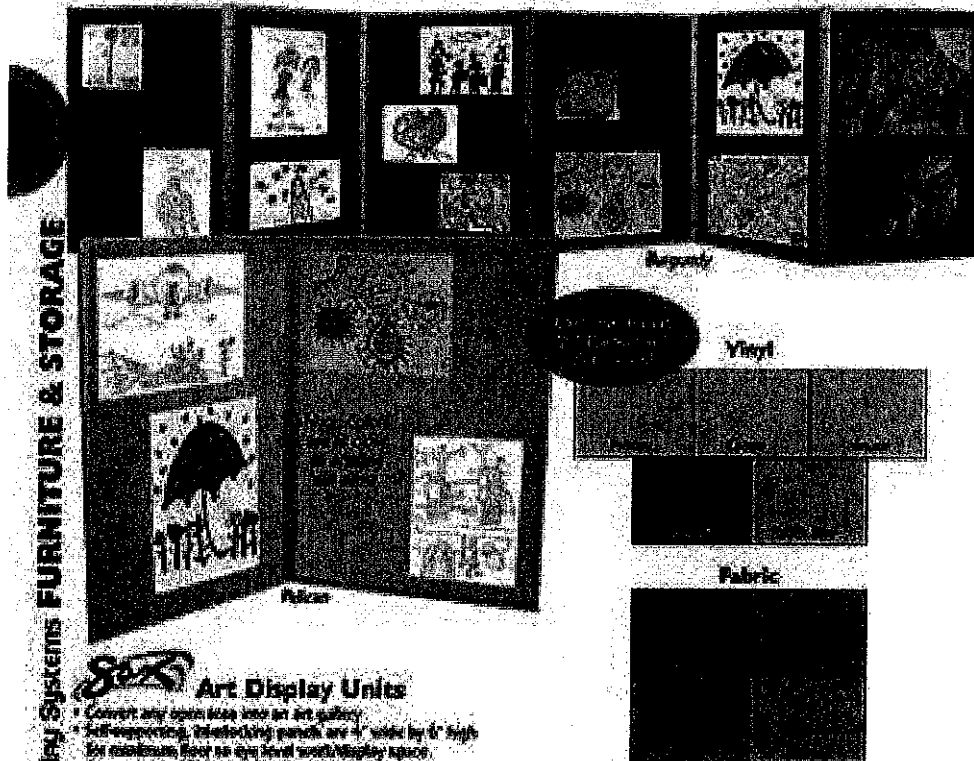
### **10. Evaluation**

- Photographs documenting each display
- Community comments and feedback

## Part III: Financial Information

### a. Supplies

One two panel display unit, each four feet wide by six feet tall from Sax Arts & Crafts. Cost of this display unit is \$697.70 with free shipping. (See image below). Three four feet wide by eight feet tall corkboards from Blick Art Materials. Cost of each of these boards is \$157.71, or \$473.13 for all three, plus \$87 for shipping. Grand total for all display boards plus shipping for three boards is \$1,257.83.



### Sax Art Display Units

- Convert any open area into an art gallery.
- Self-supporting, telescoping panels are 4" wide by 6" high for maximum floor-to-ceiling display space.
- Constructed of 1/2" thick aluminum covered with a heavy-duty 26 oz. vinyl, a wrinkle-resistant surface which is self-healing or a high quality fabric that accepts hood and lamp fixtures but is also foldable.
- Facets are securely set into heavy-duty 1" anodized satin aluminum frames for maximum stability.
- Units are cordless - no tools required for assembly.
- Available in 2 panels (4 finished sides) for 96 square feet of space or 6 panels (12 finished sides) for 384 square feet of space.

See Pages 197-199 for Framing and Display Accessories.

**You focus on achievement**  
**WE FOCUS ON YOU**  
 through  
**value-driven arts education products.**

#### 2-Panel Units

Four finished sides (4" wide by 6" high) for 96 square feet of space. Ship wt. 100 lbs.

ITEM #	FINISH	COLOR	PRICE
0-010001-001	Vinyl	Polka	\$418.00
0-010001-002	Vinyl	Canvas	\$418.00
0-010001-003	Vinyl	Marble	\$418.00
0-010001-004	Vinyl	Striped	\$418.00
0-010001-005	Vinyl	Polka Dot	\$418.00
0-010001-006	Fabric	Polka	\$418.00
0-010001-007	Fabric	Marble	\$418.00
0-010001-008	Fabric	Striped	\$418.00
0-010001-009	Fabric	Polka Dot	\$418.00

#### 6-Panel Units

Twelve finished sides (4" wide by 6" high) for 384 square feet of space. Ship wt. 350 lbs.

ITEM #	FINISH	COLOR	PRICE
0-010001-010	Vinyl	Polka	\$1,257.83
0-010001-011	Vinyl	Canvas	\$1,257.83
0-010001-012	Vinyl	Marble	\$1,257.83
0-010001-013	Vinyl	Striped	\$1,257.83
0-010001-014	Vinyl	Polka Dot	\$1,257.83
0-010001-015	Fabric	Polka	\$1,257.83
0-010001-016	Fabric	Marble	\$1,257.83
0-010001-017	Fabric	Striped	\$1,257.83
0-010001-018	Fabric	Polka Dot	\$1,257.83

#### Part IV: Applicant Information

17. If portions of the grant project will be performed by individuals other than the applicant, please supply the following information for each recipient:

Sandra Cassidy

Art Teacher

Tyngsborough Middle School

Art Teacher

September 1984 - present

50 Norris Road Tyngsborough MA 01879

[sandra.cassidy@tyngsboroughps.org](mailto:sandra.cassidy@tyngsboroughps.org)

Sarah Andrews

Art Teacher

Tyngsborough Elementary School

Art Teacher

September 1993 - present

205 Westford Road Tyngsborough MA 01879

[sarah.andrews@tyngsboroughps.org](mailto:sarah.andrews@tyngsboroughps.org)

**CHARLES J. ZAROULIS LAW OFFICES**

40 Church Street, Suite 500, Lowell, Massachusetts 01852-2686

Telephone (978) 458-4583

Facsimile (978) 937-0950

VIA FACSIMILE AND USPS

September 23, 2010

Mr. Michael Gilleberto  
Town Administrator  
Town Hall  
25 Bryants Lane  
Tyngsborough, MA 01879

copy for  
BOS

**File: Tyngsborough****Re: Tyngsborough Community Housing Partnership, Inc.  
Bylaws and Articles of Organization**

Dear Michael:

I reviewed the following documents:

1. The Town of Tyngsborough Board of Selectmen ("BOS") Affordable Housing Comprehensive Plan dated December 9, 2002, submitted and approved by the Board of Selectmen, and
2. The Tyngsborough Community Housing Partnership, Inc. (the "TCHP"), Articles of Organization and Bylaws.

I make the following comments regarding the Comprehensive Plan dated December 9, 2002:

**General Comment:**

The Comprehensive Plan does not refer to the Tyngsborough Community Housing Partnership, Inc., as a non-profit corporation.

**I. Preamble:**

The Preamble states that the "town of Tyngsborough created the Tyngsborough Community Housing Partnership" and that the TCHP negotiates with developers, makes advisory recommendations to the



**CHARLES J. ZAROULIS LAW OFFICES**

Mr. Michael P. Gilleberto, Town Administrator  
Re: Tyngsborough Community Housing Partnership, Inc.  
Bylaws and Articles of Organization  
September 23, 2010

Page 2 of 4

Zoning Board of Appeals (the "ZBA"), plans for administration and oversight with the Tyngsborough Housing Authority (the "THA") of affordable units, plans for a lottery system, etc., and funding through the Community Preservation Act.

V. Chapter 40B Development in Tyngsborough:

In 2001, the BOS appointed a Chapter 40B negotiating team consisting of the Town Planner, Mark Whitehead; Town Administrator, Paul Boushell; and Richard Lemoine of the THA. Later, three Selectmen, Richard Lemoine, Kevin O'Connor, and Peter Nicosia joined with the THA to form the housing partnership and, in 2001, retained Atty. Mark Bobrowski as the Chapter 40B consultant.

VII. Additional Measures and Plan to Maintain Greater than 10% Affordable Housing Inventory in Tyngsborough:

The TCHP will monitor all units deemed affordable and will advise the ZBA and it (an unnamed party) will recommend to the Community Preservation Committee (the "CPC") regarding funding through the TCHP with approval of the CPC and Town Meeting. The TCHP, with other officials, will seek grants.

VIII. Annual Review & Certification of this Affordable Housing Plan:

The BOS was to annually review and re-certify this Plan.

Regarding Tyngsborough Community Housing Partnership, Inc. (the "TCHP"), I make the following comments:

Articles of Organization:

The Articles of Organization of the non-profit (M.G.L. c. 180 tax-exempt for charitable, religious and educational purposes) lists President Richard Lemoine, Treasurer A. Lucien Lacourse, Clerk Therese Gay, Directors Peter Nicosia, Kevin O'Connor, and Val Foresta.

**CHARLES J. ZAROULIS LAW OFFICES**

Mr. Michael P. Gilleberto, Town Administrator  
Re: Tyngsborough Community Housing Partnership, Inc.  
Bylaws and Articles of Organization  
September 23, 2010

Page 3 of 4

This document apparently was prepared by Atty. Jeffrey L. Driscoll of Somerset, Massachusetts and filed with the Secretary of the commonwealth, January 26, 2004.

Bylaws of Tyngsborough Community Housing Partnership, Inc.:

I do not have a signed copy of the TCHP Bylaws, only a draft copy.

Article II, Section, sets forth the membership, as follows:

Resident with banking experience,

Resident familiar with legal issues,

One resident "appointed" by the BOS,

Two members knowledgeable of community housing issues,

Two members appointed by the THA.

General Comment:

I was informed that there may be a written agreement between the BOS and the THA, but to date I have not received a copy.

You request information concerning the following:

1. The BOS's obligation under the TCHP Bylaws and whether they need to make appointments to the TCHP Board, and
2. Whether a conflict of interest exists as to the BOS's appointing a Selectman to the TCHP Board where the BOS also appoints the ZBA.

My view is as follows:

1. I do not find any obligation regarding the BOS to the TCHP where the TCHP is a private, non-profit (charitable) corporation under M.G.L. c. 180.

**CHARLES J. ZAROULIS LAW OFFICES**

Mr. Michael P. Gilleberto, Town Administrator  
Re: Tyngsborough Community Housing Partnership, Inc.  
Bylaws and Articles of Organization  
September 23, 2010

Page 4 of 4

2. Where, in my view, the BOS does not have the authority to appoint TCHP members, there is no apparent issue of conflict of interest. However, any Selectperson appointed to the TCHP must be mindful that he or she might not be able to participate as Selectperson on TCHP Board matters and should consult with Town Counsel.
3. If there is no enforceable agreement between the parties, then the BOS is not obligated to make "an appointment" to the TCHP. In my view, such "an appointment" should be considered as only a recommendation.

Kindly call if you have any questions or to discuss.

Sincerely yours,



Charles J. Zaroulis  
Town Counsel

CJZ/jrz

cc: Board of Selectmen

Chairman  
A. Lucien Lacourse  
V. Chairman  
Dorothy Clark  
Treasurer  
Wendy Newton  
Asst. Treasurer  
Richard Lemoine  
Member  
Linda Murray



**Housing Authority**

RECEIVED

AUG 16 1999

TOWN OF TYNGSBOROUGH  
BOARD OF SELECTMEN

Executive Director  
Lorrie A. Berube

July 26, 1999

Tyngsborough Board of Selectman  
25 Bryant Lane  
Tyngsborough, MA 01879

RE Tyngsborough Community Housing Partnership

*John Don*

The Tyngsborough Housing Authority would like to initiate the formation of a community housing partnership between the Authority and the Town of Tyngsborough. This partnership will consist of seven (7) Board members, with the Housing Authority maintaining majority control. We have been discussing this proposal with the Town Administrator, Paul Boushell, and more recently the Towns Grant Writer, Mark Whitehead. This partnership will serve as an asset and tool for the Tyngsborough Community.

The necessity of this partnership became clear upon the completion of a recent 1999 Housing Study and Master Plan Update for the Town of Tyngsborough. I'm sure that the residents of Tyngsborough and the officials they have elected would like to control its own housing destiny and this partnership will give us the vehicle to do that. This partnership will also allow us to apply for monies through grants, to provide community initiatives such as, a first time home buyer programs, rehabilitation of existing homes for qualified low to moderate income residents and the possibilities of integrating some much needed social services into our community.

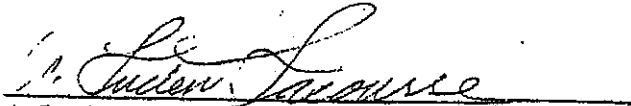
The Authority is extremely excited about this endeavor. With federal and state fiscal restraints it is becoming virtually impossible to apply for "total" funding for new construction. The industry is forcing communities to become more creative in their approach to solving their housing stock crisis. We are prepared to meet the challenges that will surface during the initial phases of this partnership and feel confident that its success will be another positive reflection of the administrative leadership that is currently maintained in this town.

198 Middlesex Road  
Tyngsborough, MA 01879

TEL (978) 649-9941  
FAX (978) 649-3807

Enclosed in this document is the proposed "Community Housing Partnership's" mission statement and flow chart. The Tyngsborough Housing Authority request placement onto the Selectman's next agenda, so that we can discuss our goals and proceed with the legal steps that are required to form this partnership. We hope that you will support our efforts and join us in this partnership. We will designate one of the Partnerships Board Members to brief you on a semi-annual basis.

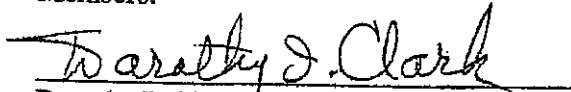
Sincerely,



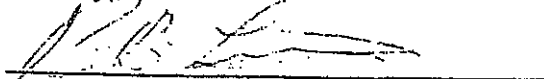
A. Lucien Lacourse

Chairperson of the Tyngsborough Housing Authority

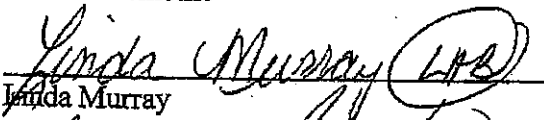
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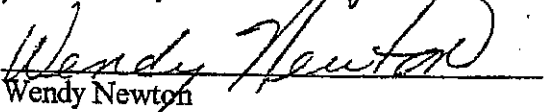
Dorothy I. Clark



Richard Lemoine



Linda Murray



Wendy Newton

**TRANSMITTAL COVER SHEET**

2010 SEP 24 11:01:16  
TOWN OF TYNGSBOROUGH, MA.

TO: Mr. Michael P. Gilleberto, Town Administrator  
COMPANY: Town of Tyngsborough  
FAX: 978.649.2320  
FROM: Charles J. Zaroulis, Town Counsel  
DATE: September 23, 2010  
  
SUBJECT: Tyngsborough Community Housing Partnership, Inc.  
Bylaws and Articles of Organization

NUMBER OF PAGES (including cover sheet): 5

**FROM:**

**CHARLES J. ZAROULIS LAW OFFICES**  
**40 Church Street, Suite 500**  
**Lowell, MA 01852-2686**

**Telephone: 978.458.4583**

**Facsimile: 978.937.0950**

**E-MAIL ADDRESS: charles.zaroulis@verizon.net**

**COMMENTS:** Please see attached letter.

**STATEMENT OF CONFIDENTIALITY**

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jrz/faxform Gilleberto

**CHARLES J. ZAROULIS LAW OFFICES**

40 Church Street, Suite 500, Lowell, Massachusetts 01852-2686  
Telephone (978) 458-4583  
Facsimile (978) 937-0950

*VIA FACSIMILE AND USPS*

September 23, 2010

Mr. Michael Gilleberto  
Town Administrator  
Town Hall  
25 Bryants Lane  
Tyngsborough, MA 01879

**File: Tyngsborough**

**Re: Tyngsborough Community Housing Partnership, Inc.  
Bylaws and Articles of Organization**

Dear Michael:

I reviewed the following documents:

1. The Town of Tyngsborough Board of Selectmen ("BOS") Affordable Housing Comprehensive Plan dated December 9, 2002, submitted and approved by the Board of Selectmen, and
2. The Tyngsborough Community Housing Partnership, Inc. (the "TCHP"), Articles of Organization and Bylaws.

I make the following comments regarding the Comprehensive Plan dated December 9, 2002:

General Comment:

The Comprehensive Plan does not refer to the Tyngsborough Community Housing Partnership, Inc., as a non-profit corporation.

I. Preamble:

The Preamble states that the "town of Tyngsborough created the Tyngsborough Community Housing Partnership" and that the TCHP negotiates with developers, makes advisory recommendations to the

VIA FACSIMILE AND USPS

September 23, 2010

Mr. Michael Gilleberto  
Town Administrator  
Town Hall  
25 Bryants Lane  
Tyngsborough, MA 01879

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**CHARLES J. ZAROULIS LAW OFFICES**

Mr. Michael P. Gilleberto, Town Administrator

Re: Tyngsborough Community Housing Partnership, Inc.  
Bylaws and Articles of Organization

September 23, 2010

Page 2 of 4

Zoning Board of Appeals (the "ZBA"), plans for administration and oversight with the Tyngsborough Housing Authority (the "THA") of affordable units, plans for a lottery system, etc., and funding through the Community Preservation Act.

V. Chapter 40B Development in Tyngsborough:

In 2001, the BOS appointed a Chapter 40B negotiating team consisting of the Town Planner, Mark Whitehead; Town Administrator, Paul Boushell; and Richard Lemoine of the THA. Later, three Selectmen, Richard Lemoine, Kevin O'Connor, and Peter Nicosia joined with the THA to form the housing partnership and, in 2001, retained Atty. Mark Bobrowski as the Chapter 40B consultant.

VII. Additional Measures and Plan to Maintain Greater than 10% Affordable Housing Inventory in Tyngsborough:

The TCHP will monitor all units deemed affordable and will advise the ZBA and it (an unnamed party) will recommend to the Community Preservation Committee (the "CPC") regarding funding through the TCHP with approval of the CPC and Town Meeting. The TCHP, with other officials, will seek grants.

VIII. Annual Review & Certification of this Affordable Housing Plan:

The BOS was to annually review and re-certify this Plan.

Regarding Tyngsborough Community Housing Partnership, Inc. (the "TCHP"), I make the following comments:

Articles of Organization:

The Articles of Organization of the non-profit (M.G.L. c. 180 tax-exempt for charitable, religious and educational purposes) lists President Richard Lemoine, Treasurer A. Lucien Lacourse, Clerk Therese Gay, Directors Peter Nicosia, Kevin O'Connor, and Val Foresta.

**CHARLES J. ZAROULIS LAW OFFICES**

Mr. Michael P. Gilleberto, Town Administrator  
Re: Tyngsborough Community Housing Partnership, Inc.  
Bylaws and Articles of Organization  
September 23, 2010

Page 3 of 4

This document apparently was prepared by Atty. Jeffrey L. Driscoll of Somerset, Massachusetts and filed with the Secretary of the commonwealth, January 26, 2004.

Bylaws of Tyngsborough Community Housing Partnership, Inc.:

I do not have a signed copy of the TCHP Bylaws, only a draft copy.

Article II, Section, sets forth the membership, as follows:

- Resident with banking experience,
- Resident familiar with legal issues,
- One resident "appointed" by the BOS,
- Two members knowledgeable of community housing issues,
- Two members appointed by the THA.

General Comment:

I was informed that there may be a written agreement between the BOS and the THA, but to date I have not received a copy.

You request information concerning the following:

1. The BOS's obligation under the TCHP Bylaws and whether they need to make appointments to the TCHP Board, and
2. Whether a conflict of interest exists as to the BOS's appointing a Selectman to the TCHP Board where the BOS also appoints the ZBA.

My view is as follows:

1. I do not find any obligation regarding the BOS to the TCHP where the TCHP is a private, non-profit (charitable) corporation under M.G.L. c. 180.

**CHARLES J. ZAROULIS LAW OFFICES**

Mr. Michael P. Gilleberto, Town Administrator

Re: Tyngsborough Community Housing Partnership, Inc.  
Bylaws and Articles of Organization

September 23, 2010

Page 4 of 4

2. Where, in my view, the BOS does not have the authority to appoint TCHP members, there is no apparent issue of conflict of interest. However, any Selectperson appointed to the TCHP must be mindful that he or she might not be able to participate as Selectperson on TCHP Board matters and should consult with Town Counsel.
3. If there is no enforceable agreement between the parties, then the BOS is not obligated to make "an appointment" to the TCHP. In my view, such "an appointment" should be considered as only a recommendation.

Kindly call if you have any questions or to discuss.

Sincerely yours,

Charles J. Zaroulis  
Town Counsel

CJZ/jrz

cc: Board of Selectmen

**David Robson**  
**28 Constantine Drive,**  
**Tyngsboro, MA 01879**  
**Home: 978-649-2745**  
**Cell: 978-866-3249**  
**E: justpups@msn.com**

---

2010 SEP 24 11:03:21

TYNGSBORO, MA.

September 23, 2010

Via Hand Delivery

Board of Selectmen  
Town of Tyngsboro  
25 Bryants Lane,  
Tyngsboro, MA 01879

**RE: Letter of Interest and Proposal for Tyngsboro Animal Control Officer**

Dear Board Members:

Please be advised that I am extremely interested in becoming the next Animal Control Officer for the town of Tyngsboro. Accept this correspondence as my formal letter of interest and proposal for that position.

I understand it, the town currently contributes \$45,000 annually to the town of Westford for its Animal Control Officer to merely serve our community as a collateral on-call service. My mindset is that by hiring me the town will save money and receive improved services by one of its own long time residents.

I have substantial experience in handling animals. More specifically, I am a long time dog breeder. Moreover, I have been a resident of the town for my entire life. I am currently residing in town with my wife and three sons. Lastly, I am a former highway department employee for Tyngsboro. I understand the community, its residents and its needs.

Here is my specific proposal for the position:

1. Annual independent contractor payment of \$32,500. I am open to how this money is bifurcated and paid to me.
2. I would be on-call in Tyngsboro 40 hours per week during normal business hours Monday-Friday 9am-5pm. However, I would also be on-call beyond those hours on an as needed and as available emergency 24/7 basis.

3. I would not require medical benefits. I would also carry and pay for my own liability insurance in which the town of Tyngsboro would be named as an insured.
4. Because this is an independent contractor proposal, I would not be entitled to paid sick or vacation time or other benefits associated with a full time municipal employee.
5. I would also request an additional annual payment of \$5,000 for my operating budget. This would cover gas, phone, supplies and other expenses I can reasonably anticipate would be needed to operate effectively in this position. I would provide and pay for my own transportation..
6. I will comply with all applicable state, county and local rules, regulations and by-laws.
7. The town would agree to make available and provide access to all relevant personnel, equipment and facilities necessary to provide animal control services such as the police etc if needed. I intend to provide my own staging area for these services. However, in the event that a particular animal situation requires capabilities beyond what I can provide I would like to know that the town (police, fire and highway department) would be there to support me if necessary.
8. This Agreement would be for a period of one year. Either side can terminated this Agreement in writing with sixty (60) days advance written notice for any reason. Any unpaid monies shall then be prorated at that time.

I would welcome the opportunity to sit and meet with you to discuss my proposal, my interest and my credentials. I look forward to hearing from you.

Regards,

*David E. Robson*  
David Robson



# Board of Assessors

25 Bryants Lane  
Tyngsborough, Massachusetts 01879  
978 649-2300 Ext 121  
FAX 978 649-2301

September 20, 2010

2010 SEP 22 PM 11:38  
TYNGSBOROUGH, MA.

Board of Selectmen  
c/o Ashley O'Neil, Chairperson  
25 Bryants Lane  
Tyngsborough, MA 01879

Dear Honorable Selectmen,

The Board of Assessors must inform you that financial projections (new growth and supplemental assessments) for Fiscal Year 2012 will be lowered considerably, if our department does not receive the proper documents and correct data from building and occupancy permits. This past year, our department assessed over \$12,000,000 in supplemental assessments resulting in over \$90,000 of additional tax revenue for the Town and \$22,000,000+ in new growth valuations, resulting in almost \$280,000 of additional levy capacity. As the department that prepares and submits the Recapitulation Worksheets to the state as part of the tax rate approval process, we understand the Town's financial situation, however we cannot continue to fairly and equitably assess property while maximizing revenue unless the Inspectional Services area is properly funded, staffed and managed.

In light of the recent departure of the Building Inspector, the appointment of an interim inspector and, the intent to hire a permanent inspector, it is imperative that we strengthen the process of record keeping and communication between departments. According to the Massachusetts General Laws and overseen by the Department of Revenue, it is the assessor's job to fairly and equitably assess all taxable property, however we cannot do this without improved cooperation from the Building Department. Please refer to the Supplemental Assessment IGR No. 03-209, which states, "Assessments are triggered by the issuance of a temporary or permanent occupancy permit. Therefore, the assessors and building inspectors will have to develop a system for ensuring that the assessors' office receives timely notification of all occupancy permits issued." As you are well aware, our department's budget has been cut and we cannot continue to chase the necessary information. We can make requests and recommendations, but there is simply not enough time in the day to manage other departments.

However, it is our job to make you aware of the potential adverse ramifications. The Town Accountant, Jacquelyn Cronin and I have discussed these issues and we both are very concerned that the lack of funding and oversight may compromise the town's financial position and the ability to send out property tax bills in a timely fashion. The Board of Assessors made Town Administrator, Michael Gilleberto aware of this situation a few months ago and we are confident that he understands the potential implications and hope to see the necessary improvements in the process. Chairman Phil O'Brien and I have both met individually with Mr. Gilleberto over the past few months and have made suggestions about the



# Board of Assessors

25 Bryants Lane  
Tyngsborough, Massachusetts 01879  
978 649-2300 Ext 121  
FAX 978 649-2301

situation. We hope these issues are addressed quickly in order that we can fairly and equitably assess all types of real property within the Town of Tyngsborough.

Please do not hesitate to contact me if you have any questions.

Sincerely,

Joseph Gibbons MAA

Chief Assessor for the Board of Assessors

CC: Town Administrator



**CHARLES J. ZAROULIS LAW OFFICES**

2010 SEP 20 10 05 22

TYNGSBOROUGH, MA.

40 Church Street, Suite 500, Lowell, Massachusetts 01852-2686  
Telephone (978) 458-4583  
Facsimile (978) 937-0950

September 15, 2010

Ms. Kerry Colburn-Dion  
Town Treasurer  
Town Hall  
25 Bryants Lane  
Tyngsborough, MA 01879

**File: Tyngsborough**

**Re: Town of Tyngsborough  
v. Tiffany Equipment & Construction Corp.  
Taunton Court Docket No.: 0931SPO818**

Dear Kerry:

I enclose a check in the amount of two-hundred dollars (\$200.00) as partial payment on a Judgment against Tiffany Equipment and Construction Corp. for non-payment of police road details.

Sincerely yours,

Charles J. Zaroulis  
Tyngsborough Town Counsel

CJZ:ksz

Cc: Deputy Chief Richard Burrows  
Cc: Tyngsborough Board of Selectmen



**NICOSIA & ASSOCIATES, P.C.**  
**PO BOX 721, 259 MIDDLESEX ROAD,**  
**TYNGSBORO, MA 01879**  
**T:978-649-4300**  
**F:978-649-9306**  
**E:NICOSIA@NICOSIA-ASSOCIATES.COM**

---

2010 SEP 23 AM 9:53  
BOARD OF SELECTMEN  
TYNGSBORO, MA

September 23, 2010

Via Email and Fax Only

Keeper of Records  
Board of Selectmen  
Tyngsboro Town Hall  
25 Bryants Lane,  
Tyngsboro, MA 01879

Keeper of Records  
Tyngsboro Police Department  
20 Westford Road,  
Tyngsboro, MA 01879

**RE: Public Records Request for**  
**Barbeque Integrated, Inc. d/b/a Smokey Bones**  
**431 Middlesex Road, Tyngsboro, MA 01879**

Dear Sir or Madam:

Please be advised that we have been retained by Barbeque Integrated, Inc. d/b/a Smokey Bones in connection with the upcoming public hearing for alleged liquor and entertainment license violations currently scheduled for Monday, October 4, 2010.

Pursuant to M.G.L. c.66, s.10, the following public records are requested so I can adequately prepare for such hearing on behalf of my client:

1. Copies of any and all police reports, police correspondence, emails, incident reports, witness statements, license holder statements, run reports, call logs, cease and desist letters and related documents concerning the alleged liquor and entertainment license violations which have been alleged to have occurred on August 21, 2010 and August 25, 2010 and as more particularly described in the Notice of Hearing from the Board of Selectmen dated September 16, 2010.
2. Copies of any and all board of selectmen and town departmental reports, emails or correspondence concerning the same subject matter set forth in request #1 above.

Page Two, September 23, 2010

3. Copies of any and all documents the police intend to offer as evidence at the hearing including, but not limited to, reports, statements, any face book or internet page print outs, photographs, license holder advertisements or other such documents concerning the same subject matter set forth in request #1 above.

As usual, thank you for your prompt attention to this matter. You can simply scan and email the response, fax the response or notify me when the responsive documents are ready and I can come pick them up for your collective convenience.

Please call me if you have any questions.

Sincerely,  
Peter Nicosia

cc: Attorney Charles Zaroulis

9/14/2010

2010 SEP 20 PM 0:20

Smokey Bones Bar & Fire Grill

431 MIDDLESEX RD.  
TYNGSBOROUGH, MA.

431 Middlesex Rd.

Tyngsborough, MA 01879

To whom it may concern,

This is a copy of a letter sent to Tyngsborough Police Chief Mulligan outlining our plan of action regarding the issues that he and I discussed on August 25<sup>th</sup>. Please submit this to the Board of Selectman for their review. Smokey Bones is committed to erasing the concerns that were discussed, and to being a model company in the Tyngsborough community. Thank you for your time.

Sincerely,



Mike Herchuck

General Manager

Smokey Bones Bar & Fire Grill

Tyngsborough Massachusetts

September 2, 2010

Smokey Bones Bar & Fire Grill

431 Middlesex Rd.

Tyngsborough, MA 01879

Dear Chief Mulligan,

Thank you for taking the time to meet with me on August 25<sup>th</sup>. Smokey Bones is committed to being a model company in the Tyngsboro community and will work diligently to ensure that continues into the future. We are taking proactive steps that we feel will serve as a model for other restaurants and bars to follow regarding Responsible Service of Alcohol.

In regards to the issue of Texas Hold Em' tournaments, I pledge to work closer with our licensing company and your department when questions arise regarding what falls within the parameters of our license issued by the town. In the future we hope to be able to add Texas Hold Em' back to our schedule of events, and are committed to doing it in accordance with town and state guidelines.

We have recently been advised and identified on our own, minors using fake ID's for ordering alcohol in our restaurant. While I believe that the guest who was identified in the photos was asked for, and produced an ID on two separate occasions, and she advised your department of her intent to use a fake ID, we must continue to be diligent in this process. We have already taken the following steps to ensure that underage drinking does not occur at our restaurant:

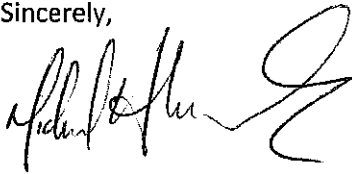
- Smokey Bones is committed to having all managers and bartenders complete a TIPS certification course, which will be completed by the end of next month.
- Purchased two Eye-D-Tech Fake ID Detectors, which the company states are used by the state ABCC Investigators to verify the authentication of ID's.
- Obtained updated ID Checking Guide books and placed around the restaurant and bar to allow easy access for reference when checking ID's.
- Reviewing Smokey Bones training materials as it pertains to responsible service of alcohol with all applicable employees, testing employees for understanding, and revalidating everyone. They all understand that failure to properly check ID's, and/or serving alcohol irresponsibly will lead to disciplinary action, up to termination.
- Changed our "Last Call" policy to ensure that we are providing enough time for our guests to safely finish their night, and exit in a timely manner. We now start last call at 1:15 am, no drinks are served after 1:30 am, and all guests are required to leave the building by 1:45 am.
- We have signs posted throughout the restaurant, which clearly define alcohol consumption laws, and Smokey Bones policy.

- Implemented a program in the restaurant which rewards servers and bartenders who identify minors attempting to purchase alcohol, or provides information that helps us eliminate irresponsible alcohol service

I also wanted to address your concerns about the questionable behavior that was occurring at the bar. I have met with each manager individually, and as a team to review our expectations of what would be unacceptable behavior. We discussed how to identify situations that could lead to this behavior, and how to communicate with our employees and guests about how to remain safe, responsible, and adhere to all applicable laws, while still having a good time. The management team understands what this level of accountability means, including heightened awareness. I am constantly monitoring any needed realignment of manager responsibilities to ensure all staff meet our expectations.

Thank you again for your time to discuss our restaurant operations and how to better our service to guests. Through this process I have learned a lot and am committed to achieving great results based upon our implementation of the plans outlined in this letter. I hope to eliminate your concerns, and regain the confidence and trust of you, your department and the residents of Tyngsborough. Please let me know if you have any questions or if you have any suggestions on how I could make this more effective.

Sincerely,



Mike Herchuck

General Manager

Smokey Bones Bar & Fire Grill

Tyngsborough Massachusetts

.....

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Vineyard Haven, MA

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Jackie Wojas  
Mail Clinic Inc  
Madison Heights, MI

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Hunt Group	included
Caller ID with Call Waiting	included
Additional features	included

### BUSINESS CLASS TV

Local News	included
Entertainment Networks	included
Additional features	included

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H32\_LTR\_V1\_GBR\_1738

SEP 20 PM 1:10

JOHN J. L. LAMER  
TYNGSBOROUGH, MA.

\*\*\*\*\*AUTO\*\*3-DIGIT 018 T6 P1 1  
TYNGSBOROUGH TOWN HALL  
25 BRYANT LN  
TYNGSBORO MA 01879-1042



Dear TYNGSBOROUGH TOWN HALL:

My name is Peter Marsh and I manage your local Comcast Business Class sales team. I'd like to take a moment to personally thank you for your business. You are a valued Comcast customer.

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Sincerely,

*Peter Marsh*

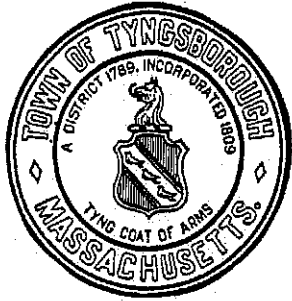
Peter Marsh  
VP of Business Services  
Greater Boston Region

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**Town of Tyngsborough  
Conservation Commission**

25 Bryants Lane  
Tyngsborough, Massachusetts 01879-1003  
Office: (978) 649-2300 ext. 116  
Fax: (978) 649-2301

2010 SEP 24 14:10:21  
CLERK  
TYNGSBOROUGH, MA.

**AGENDA**  
September 28, 2010

- 7:00pm**      **27 Alpine Way (M9, P23, L21) – Request for Determination of Applicability** for the proposed construction of a 12' x 14' shed.
- 7:10pm**      **Town of Tyngsborough & Dracut, MA and Pelham, NH (Long Pond) – Notice of Intent DEP# 309-0839** for the continued management of excessive vegetation with U.S. EPA & MA registered and approved herbicides. Continued from August 24, 2010.
- 7:25pm**      **50 Westford Rd. (M21, P23-1) – Notice of Intent, DEP# 309-0838** with Stormwater Run-off analysis for the proposed installation of solar modules to develop a 37± acre solar energy generation facility within a bordering vegetated wetland involving the following: concrete pads, retaining walls, clearing trees, culvert, 1244 s.f. alteration, 2205 s.f. replication, and (2) limited project crossings as defined in 310 CMR 10.53(3)(e), with erosion controls. Continued from August 24, 2010.
- 8:00pm**      **Ed Himlan: Massachusetts Watershed Coalition – Tyngsborough's Stormwater Regulation by-Law.**

**Discussion:**

**Administrative:**

1. Director's Determinations and Report
2. Minutes/Bills/Other Business:
  - Approve the minutes from the 8/10/10 & 8/24/10 meetings.
3. Sign the following forms:
  - 41 Phalanx St. – Determination of Applicability

# Tyngboro



21+ Fundraising Event for Tyngsborough Youth Council  
Benefit for the Bicentennial Field Complex

\$20 per person

Music by Whiskey Tango  
Food Available  
Auction and Raffles

Saturday Oct 2 7PM - 12AM

Tickets Available through any youth sport organization,  
Town Hall Recreation Dept, Superintendents Office or online  
at [www.tyngsboroughrecreation.myevent.com](http://www.tyngsboroughrecreation.myevent.com)

Tyngsboro Sports Center

Progress Ave, Tyngsborough, MA



*You are Cordially invited...*

Greater Lowell Health Alliance of the  
Community Health Network Area 10  
Inaugural Annual Meeting



**October 6, 2010**

UMass Lowell Inn & Conference Center  
50 Warren Street • Lowell, MA 01852

**7:00-7:30am**

~ Registration and Breakfast ~

**7:30-8:30am**

~ Annual Meeting and Community Awards ~

**8:30-9:00am**

~ Community Health Needs Assessment Report\* ~

RSVP to Amy Stanley by October 1<sup>st</sup> at 978.788.7278 or  
[astanley@greaterlowellhealthalliance.org](mailto:astanley@greaterlowellhealthalliance.org)

\*The Community Health Needs Assessment is a collaboration  
of Lowell General Hospital, Saints Medical Center, and the  
University of Massachusetts Lowell

SPONSORED BY THE GREATER LOWELL CHAMBER OF COMMERCE

## **TYNGSBORO TOWN BUSINESS DAY**

Town Hall, Community Room  
25 Bryants Lane, Tyngsboro, MA

### ***AN OPEN INVITATION TO JOIN US***

***Free! Open to all businesses, new or established  
addressing business issues including State & Municipal issues, Financial Options, Technical  
Assistance, Business Counseling & Training***

**October 7, 2010**

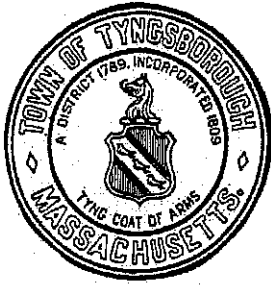
**7:30 A.M. – 9:30 A.M.**

### **GUEST SPEAKERS**

Ms. Jeanne Osborn, President & CEO GLCC  
Mr. Michael P. Gilleberto, Tyngsboro Town Administrator  
Senator Steven Panagiotakos  
State Representative Colleen M. Garry  
Mr. George E. Noel, MA Director of Labor  
Ms. Elizabeth Coughlin, Tyngsboro Selectwoman  
Ms. Lisa Gonzalez-Welch, SBA Associate  
Mr. Ken Goode, Vice President, MassDevelopment  
Ms. Terry Williams, Assistant Director, Lowell Small Business Assistance Center  
Mr. John F. Fioriti, SOMWBA  
Mr. Peter McGarry, SCORE Counselor  
Ms. Gail Brown, Gr. Lowell Workforce Investment Board

**For further information please call GLCC 978-459-8154  
Sponsored By**





## ***Town of Tyngsborough Conservation Commission***

25 Bryants Lane,  
Tyngsborough, Massachusetts 01879-1003  
Office: (978) 649-2300 ext. 116  
Fax: (978) 649-2301

2010 SEP 20 11:52

TYNGSBOROUGH, MA.

September 17, 2010

Dracut Food Service Corp.  
c/o Tram Dang  
1167 Lakeview Avenue  
Dracut, MA 01826-4701

RE: Assessors Map 31A, Block 114  
AKA 6 Woodlawn Street  
Tyngsborough, MA 01879


Dear Ms. Dang,

Since the evening of September 10, 2010, Conservation Commission members have observed vehicles parked on the above referenced lot every day. Please be advised that you are in direct violation of the provisions outlined in a letter dated February 3, 2010 from the Tyngsborough Building Commissioner regarding the above property.

Violations of these conditions are subject to a monetary fine of \$300 per day for every day you are in violation. Please address this matter forthwith.

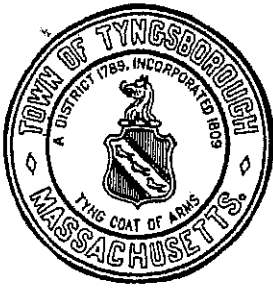
Due to the violations observed through September 16, 2010, you are hereby assessed a fine of **\$2,100**, check payable to the Tyngsborough Conservation Commission within 30 days of receipt of this notice. You will continue to be assessed \$300 per day until you rectify the violation stated above.

Respectfully,

  
Matthew S. Marro  
Conservation Director

pab/

cc: ~~Board of Selectmen~~  
Michael Gilleberto, Town Administrator  
Don Crowell, Building Commissioner  
Chief Mulligan, Tyngsborough Police Department  
Tram Dang, Thirsty's - 25 Parham Road, Tyngsborough, MA 01879  
Attorney Peter Nicosia - 259 Middlesex Road, Tyngsborough, MA 01879



**Town of Tyngsborough  
Building Department**

25 Bryants Lane  
Tyngsborough, Massachusetts 01879  
Office: (978) 649-2300 Ext. 112

February 9, 2010

Dracut Food Service Corporation  
c/o Tram Dang  
1167 Lakeview Avenue  
Dracut, MA 01826-4701

RE: Thirsty's -- noise and parking complaints

Dear Ms. Dang,

Please be advised, based on my site visit on Friday evening, February 5, 2010, I offer the following:

Between the hours of 10:30PM and 11:30PM I performed several sound level observations to check the premises compliance with the Town of Tyngsborough Zoning By-Laws -- Sections 3.14.40 and 3.14.41. Copies of applicable Zoning By-Laws are attached for your reference.

Please be advised, for the most part, there was compliance; though on several occasions the noise level exceeded the maximum allowance.

Also, cars are parking on the Woodlawn lot, which is not permitted. Kindly address these issues forthwith. Thank you in advance for your cooperation.

Respectfully,

Mark E. Dupell  
Building Commissioner

cc: Board of Selectmen  
Norman Thidemann, Town Administrator  
Matt Marro, Conservation  
Chief Mulligan, Tyngsborough Police Department  
Tram Dang, Thirsty's -- 25 Parham Road, Tyngsborough, MA 01879  
Attorney Peter Nicosia -- 259 Middlesex Road, Tyngsborough, MA 01879

CONSERVATION COMMISSION  
10 FEB 11 AM 9:22  
dk



# **Town of Tyngsborough**

## **Planning Board**

25 Bryants Lane  
Tyngsborough, Massachusetts 01879-1003  
Office: (978) 649-2300, ext. 115  
Fax: (978) 649-2301

2010 SEP 22 10:10:00

TYNGSBOROUGH, MA.

September 21, 2010

Tyngsborough Board of Selectmen  
25 Bryants Lane  
Tyngsborough, MA 01879

RE: Cedar Street Recommendation

Honorable Board,

At the September 16, 2010 Planning Board meeting, the Board voted to recommend the Board of Selectmen execute the Order of Taking on this street. Based on the evidence reported in the attached street survey, and the Town Meeting vote on May 21, 1986, it is apparent that the street is the property of the Town of Tyngsborough and should remain as such.

If you require any further information, [please feel free to contact the Planning Board office at ext. 115.

Respectfully,

Steven Nocco  
Chairman

Cc: Conservation Commission

Town Meeting May 21 1984

*[Signature]*  
T. J. Clark

ARTICLE 35. To see if the Town will vote to accept the following road:

Cedar Street, or take any action in relation thereto.

Motion: To accept Article 35 as printed.

Action: Voted in the affirmative.

ARTICLE 36. To see if the Town will vote to accept the following roads:

Paddock Road, Canter Road, and Pace Road, or take any action in relation thereto.

Motion: To accept Article 36 as printed.

Action: Voted in the affirmative.

ARTICLE 37. To see if the Town will vote to amend the Zoning By-Law of the Town by amending the Zoning Map entitled "Zoning Map, Town of Tyngsborough, MA, 1968 (revised 1978)", as amended, by changing the area from General Residence and Farming District to a Business District as defined below:

A certain parcel of land situated on the southwesterly side of Swain Road and Westford Road in the Town of Tyngsborough, Middlesex County, Commonwealth of Massachusetts being shown on a plan of land entitled "Plan of Land in Tyngsboro, Mass. for Robert J. Wentzell scale : 1"=200', Feb. 25, 1970, Lamont R. Healy Inc.-Land Surveyors" being bounded and described as follow.

Beginning on the southwesterly side of Westford Road at the northerly corner of said premises and at the northwesterly corner land now or formerly of Goldhammer, as shown on said plan; thence SOUTHWESTERLY by land now or formerly of Goldhammer 274.04 feet; thence NORTHEASTERLY by said land 364.39 feet; thence SOUTHEASTERLY by land now or formerly of Lemire Realty Trust 1,102.77 feet; thence

NORTHEASTERLY by said last named land 1,088.80 feet; thence SOUTHEASTERLY by land now or formerly of Fifield by two courses 451.74 feet and 364.19 feet; thence

SOUTHWESTERLY by land now or formerly of Fifield 1,129.24 feet; thence

In the same direction by land now or formerly of Merrill, et al by several courses totalling 985.57 feet to a drillhole in a gate post; thence

SOUTHWESTERLY by said last named land 32.51 feet; thence

SOUTHWESTERLY by said last named land by two courses being 51.01 feet and 607.05 feet; thence

NORTHWESTERLY 44.9 feet; thence

SOUTHWESTERLY by two courses, as shown on said plan, to a stone bound in the westerly line of Swain Road; thence

NORTHWESTERLY by Swain Road and Westford Road by several courses totalling 3190.07 feet to the point of beginning.

Containing a total 92.91 square acres according to said plan, or take any action in relation thereto.

Motion: To accept Article 37 as printed.

Action: Voted in the negative by hand count. YES 54 NO 86.

Motion: To recess the meeting until Tuesday, May 27 at 7:00PM.



CEDAR STREET  
TYNGSBORO, MA

SURVEY REPORT

Land Engineering and Environmental Services, Inc. was contracted by the Town of Tyngsboro to determine the location of Cedar Street and mark it out on the ground. Research was conducted and a field survey locating monumentation in the area was completed between April 20 and April 22, 2010. The location of Cedar Street marked in the field reflects information shown on a plan entitled "Plan of Elm Street in Tyngsborough, Mass. as laid out in 1937 and accepted by the town.", prepared by James E. Kendall Surveyor, Dunstable, Mass. dated May 1951, unless otherwise noted.

First, the location of Elm Street in the vicinity of Cedar Street needed to be established. Monumentation shown on record plans (pl. bk. 175 pl. 18 and pl. bk. 217 pl. 210) was recovered east of Cedar Street and used to establish the location of Elm Street between Alder and Birch Street. The deed distance shown on the Cummings plan (pl. bk. 56 pl. 55) was held to establish the angle point in Elm Street east of Cedar Street. A stone bound in the base of a tree and a drill hole as shown on a plan recorded in plan book 117 plan 92A were also recovered at the south side of Elm Street at Birch Street (see accompanying plan). A distance of 118.0 feet was the held from the angle point of the south side of Elm Street west to the easterly sideline of Cedar Street (deed bk. 19986 pg. 165, pl bk. 56 pl. 55).

Several iron pipes shown on a plan prepared by Gabor Szava-Kovats (pl. bk. 119 pl. 1) were also recovered and held to establish the location of Elm Street. The angular relationship between Cedar Street and Elm Street was determined from the Cummings plan (pl. bk. 56 pl. 55).

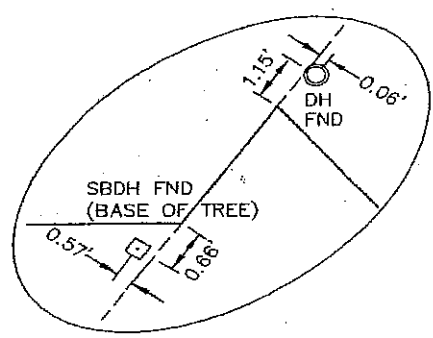
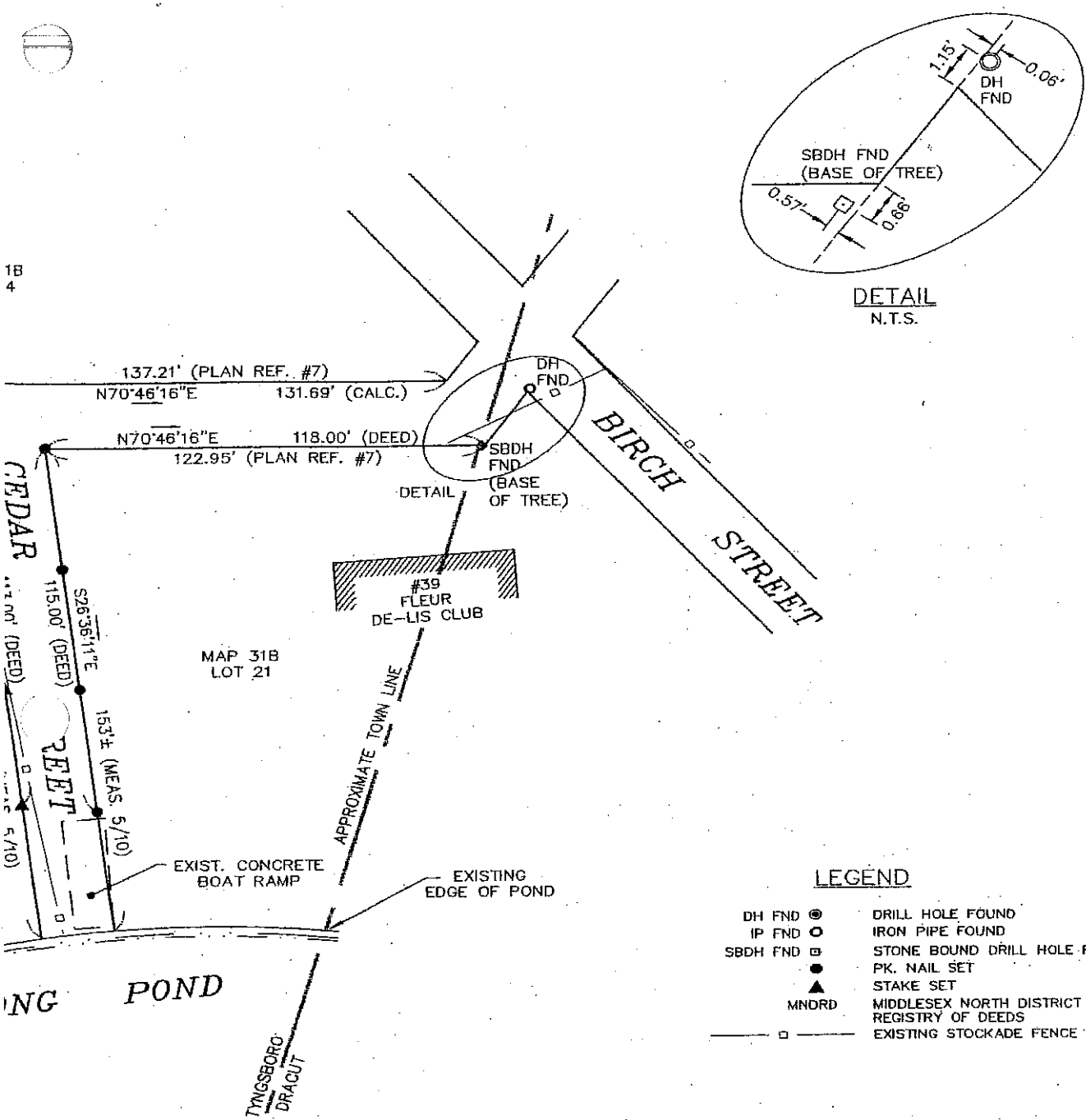
Accompanying this survey report is a plan titled "Plan of Land in Tyngsboro, Massachusetts, Cedar Street" dated May 25, 2010 prepared by this office depicting the area and showing what markers were set in the field.



6/3/10

CONSERVATION COMMISSION  
10 JUN -4 AM 10:04

18  
4



DETAIL  
N.T.S.

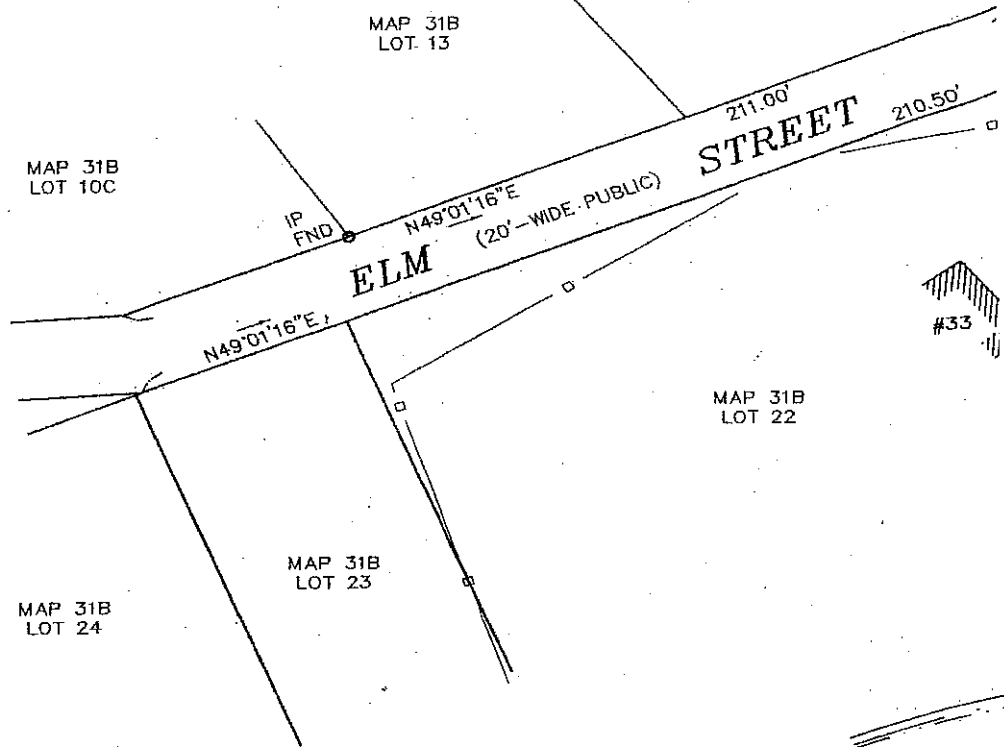
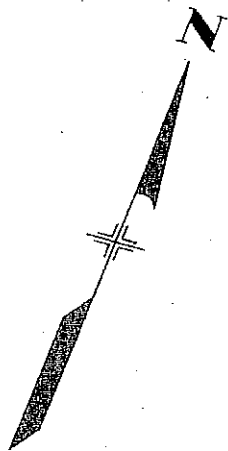
LEGEND

- DH FND ● DRILL HOLE FOUND
- IP FND ○ IRON PIPE FOUND
- SBDH FND □ STONE BOUND DRILL HOLE FOUND
- PK. NAIL SET
- ▲ STAKE SET
- MNORD ▲ MIDDLESEX NORTH DISTRICT  
REGISTRY OF DEEDS
- EXISTING STOCKADE FENCE



PLAN OF LAND  
IN  
TYNGSBORO, MASSACHUSETTS  
CEDAR STREET

SCALE: 1"=30'	DATE: JUNE 1, 2010	SHEET 1 OF 1	REV.
JOB # 23101			
PREPARED FOR TOWN OF TYNGSBORO 25 BRYANT LANE, TYNGSBORO, MASSACHUSETTS			
PREPARED BY <b>Land Engineering &amp; Environmental Services, Inc.</b> 130 Middlesex Road, Tyngsboro, Massachusetts 01879 Telephone (978) 649-4642			



NOTES:

1. PROPERTY LINE INFORMATION TAKEN FROM DEEDS AND PLANS OF RECORD, AND A FIELD SURVEY DONE BY THIS OFFICE.

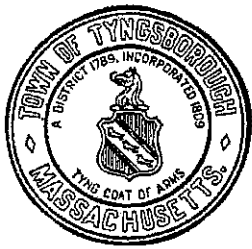
2. PLAN REFERENCES:  
M.N.D.R.D.

1. PLAN BK. 56 PL. 55
2. PLAN BK. 140 PL. 64
3. PLAN BK. 119 PL. 1
4. PLAN BK. 117 PL. 92A
5. PLAN BK. 175 PL. 18
6. PLAN BK. 217 PL. 110
7. PLAN OF ELM STREET IN TYNGSBOROUGH MASS, AS LAID OUT IN 1937 AND ACCEPTED BY THE TOWN, DATED MAY 1951.

GRAPHIC SCALE



( IN FEET )  
1 inch = 30 ft



## TOWN OF TYNGSBOROUGH

Office of the Town Administrator

25 Bryants Lane

Tyngsborough, MA 01879

Tel: 978 649-2300 Ext. 100 Fax: 978 649-2320

E-mail: [mgilleberto@tyngsboroughma.gov](mailto:mgilleberto@tyngsboroughma.gov)

TO: Planning Board

FROM: Michael P. Gilleberto, Town Administrator *MP*

DATE: September 14, 2010

SUBJECT: Cedar Street

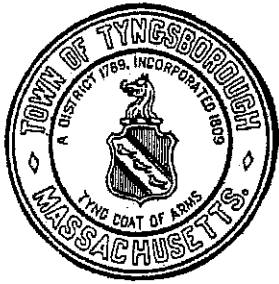
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At their meeting of August 16, 2010, the Board of Selectmen voted to forward a request of the Conservation Commission relative to the conversion of Cedar Street to a public way to the Planning Board to provide a recommendation. A copy of the request is attached. As you may know, this street runs from Elm Street to Long Pond between parcels 31 B-21 and 31 B-22. I have also printed a GIS map for your information.

Finally, I wish to point out that included in the attached correspondence is a message from Town Counsel Charles Zaroulis regarding the process for converting and accepting public ways for your information.

Please do not hesitate to contact me if you should have any questions.

cc: Board of Selectmen ✓  
Conservation Commission  
Town Counsel Charles Zaroulis



***Town of Tyngsborough  
Conservation Commission***

25 Bryants Lane,  
Tyngsborough, Massachusetts 01879-1003  
Office: (978) 649-2300 ext. 116  
Fax: (978) 649-2301

RECEIVED  
AUG 12 10:21

TYNGSBOROUGH  
MA

August 11, 2010

Tyngsborough Board of Selectmen  
25 Bryants Lane  
Tyngsborough, MA 01879

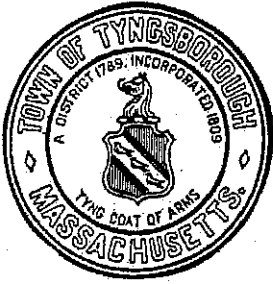
RE: Agenda Request

Honorable Board,

I'd like to request that you schedule time on your next meeting agenda for me to speak to the Board regarding the right of way access on the Cedar Street boat ramp. Thank you for your prompt attention to this matter.

Regards,

Edward Smith  
Chairman  
Conservation Commission



***Town of Tyngsborough  
Conservation Commission***

25 Bryants Lane,  
Tyngsborough, Massachusetts 01879-1003  
Office: (978) 649-2300 ext. 116  
Fax: (978) 649-2301

2010 AUG 12 PM 10:21

TYNGSBOROUGH, MA.

TO: Tyngsborough Board of Selectmen  
FROM: Tyngsborough Conservation Commission  
DATE: August 11, 2010  
RE: Petition Filing to Formally Accept a Town Way – Cedar Street

Honorable Board,

The Conservation Commission submits this letter as a petition filing to formally accept the Town Way known as Cedar Street.

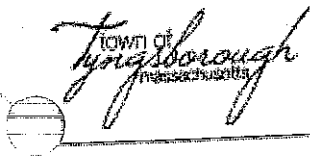
The Town Way known as Cedar Street had been accepted by Town Meeting Warrant Article and majority vote on May 21, 1986.

Tyngsborough's General Counsel, Charles Zaroulis has recently recognized that the required laying out (survey) and filing with the Registry of Deeds was not acted upon following Town's acceptance of Cedar Street. To this finding, the Tyngsborough Conservation Commission submits this petition to correct a Town action for accepting Cedar Street that had not been properly brought to closure as required by M.G.L. Chapter 82, Sections 22-24.

Respectfully,

*Pamela A. Beeman for*

Edward Smith  
Chairman  
Conservation Commission



Michael Gilleberto <mgilleberto@tyngsboroughma.gov>

## Street Acceptance Procedure

2 messages

Mon, Jul 26, 2010 at 6:44 PM

Charles J. Zaroulis <charles.zaroulis@verizon.net>  
To: "Michael P. Gilleberto" <mgilleberto@tyngsboroughma.gov>

Dear Michael:

The below is for your information:

### REQUIREMENTS FOR THE LAY OUT AND ACCEPTANCE OF TOWN WAYS

M.G.L. c. 82, §§ 22 - 24, requirements for the layout and acceptance of Town ways are as follows:

1. Usually, a petition is filed with the Selectmen to lay out the way.
2. The proposed layout must be referred to the Planning Board for its recommendation.
3. The Board of Selectmen vote to lay out the way.
4. All interested parties must be given at least seven (7) days written notice of the Board of Selectmen's intention to lay out the way. The notice must be left at the landowner's usual residence or delivered in person to such owner or to his authorized agent or his tenant. If the owner of the land is not known, notice must be posted in a public place in the town at least seven (7) days before the laying out.
5. The way must be laid out by the Board of Selectmen by a formal vote specifying, by courses and distances, the location of the way.
6. The order of laying out must then be filed with the Town Clerk at least seven (7) days before the Town Meeting.
7. The Town Meeting article for the acceptance of the layout and the appropriation of any necessary funds must appear in the Warrant.
8. The Town Meeting then votes to accept the layout of the way and, if necessary, the appropriation of funds.
9. Should the appropriation require necessary funds to be borrowed, there must be a two-thirds (2/3) vote.
10. If any land taking is necessary, the order of taking must be adopted by the Board of Selectmen within thirty (30) days after the close of the Town Meeting.
11. The order of taking must be recorded with the Registry of Deeds within one hundred twenty (120) days after its adoption by the Board of Selectmen.
12. A certificate of entry and possession must be recorded within two (2) years after the date of the order of taking.

8/11/2010 2:19 PM

13. Immediately after the order of taking has been recorded, written notice must be given to every person and/or mortgagee whose property has been taken or who otherwise may be entitled to damages.

Please note that items 2, 3, 4, 5, 6, 7, 8, and 12 are mandatory; and items 9, 10, and 11, if required, are also mandatory; but items 1 and 13 are not mandatory as to the validity of the laying out and acceptance.

Note well and also read the requirements of the Town By-Laws, Article IV, which provides, in part:

1. Under Section 3, the way must be constructed in accordance with Section 7;
2. Section 7 requires certain plans, construction of the street according to the Planning Board regulations, and other requirements.
3. Actions taken pursuant to Section 4 must comply with M.G.L. c. 82; and
4. Eight-five per cent (85%) of the owners must sign releases.

Charles J. Zaroulis, Esq.  
40 Church Street, Suite 500  
Lowell, Massachusetts 01852-2686  
Tel: 978.458.4583  
Fax: 978.937.0950  
E-mail: [charles.zaroulis@verizon.net](mailto:charles.zaroulis@verizon.net)

---

Michael P. Gilleberto <[mgilleberto@tyngsboroughma.gov](mailto:mgilleberto@tyngsboroughma.gov)>

Tue, Aug 10, 2010 at 1:25 PM

To: Rich Lemoine <[rlemoine@tyngsboroughma.gov](mailto:rlemoine@tyngsboroughma.gov)>, Rich Lemoine <[lemoine4@verizon.net](mailto:lemoine4@verizon.net)>

Rich-

Terry is off this week but I am checking her voice mail and received your message.

Below is an outline that Charles has previously sent me. I hope that it helps.

Also, as a head's up, Ed Smith is asking to appear before the Selectmen on Monday night concerning the road adjacent to the Fleur De Lis. Ashley has asked me to request him to send additional information in writing in advance.

Mike

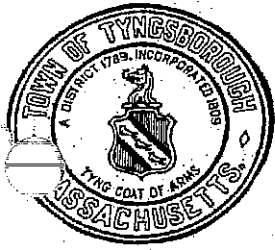
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--  
Michael P. Gilleberto  
Town Administrator  
Town of Tyngsborough

---

8/11/2010 2:19 PM





## TOWN OF TYNGSBOROUGH

Board of Selectmen

25 Bryant Lane

Tyngsborough, MA 01879

Tel: 978 649-2314

Fax: 978 649-2310

June 30, 2010

Mr. Charles J. Zaroulis, Esq.  
40 Church Street Suite 500  
Lowell, MA 01852

Re: Cedar Street Right of Way

Dear Charles,

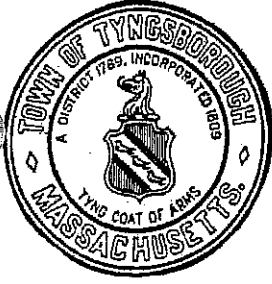
Enclosed you will find correspondence from the Conservation Commission Office in regards to Cedar Street. Please review the documents and advise the Board as to the next step to take.

If you have any questions please call me at 978 649-2314.

Thank you.

Sincerely

Therese Gay



**Town of Tyngsborough  
Conservation Commission**

25 Bryants Lane,  
Tyngsborough, Massachusetts 01879-1003  
Office: (978) 649-2300 ext. 116  
Fax: (978) 649-2301

June 25, 2010

Board of Selectmen  
25 Bryants Lane  
Tyngsborough, MA 01879

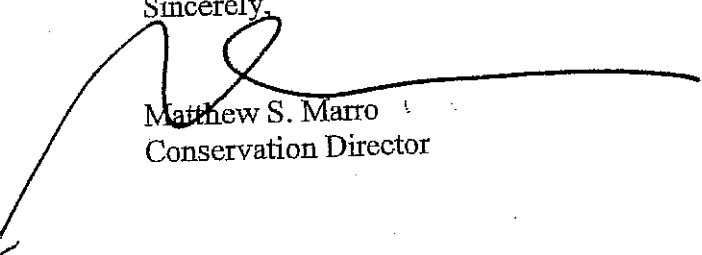
RE: Cedar Street Right of Way

Honorable Board,

The Conservation Commission has completed its ownership evaluation of the Cedar Street Right of Way. Attached is the report and plan of land prepared by Land Engineering & Environmental Services, Inc. This report clearly details the property lines of the street. In addition, several boundary markers were placed to visually delineate those property lines on the street.

After consulting with the Commission, it is their understanding that Cedar Street was accepted as a town road in 1987, however, the road was never properly taken by the Board of Selectmen at the time of acceptance. Therefore, the Commission requests that the Board of Selectmen execute an Order of Taking of the Cedar Street Right of Way in order to legally establish the Town's ownership of this road.

Sincerely,

  
Matthew S. Marro  
Conservation Director

/pab  
attachment

CEDAR STREET  
TYNGSBORO, MA

SURVEY REPORT

Land Engineering and Environmental Services, Inc. was contracted by the Town of Tyngsboro to determine the location of Cedar Street and mark it out on the ground. Research was conducted and a field survey locating monumentation in the area was completed between April 20 and April 22, 2010. The location of Cedar Street marked in the field reflects information shown of a plan entitled "Plan of Elm Street in Tyngsborough, Mass. as laid out in 1937 and accepted by the town.", prepared by James E. Kendall Surveyor, Dunstable, Mass. dated May 1951, unless otherwise noted.

First, the location of Elm Street in the vicinity of Cedar Street needed to be established. Monumentation shown on record plans (pl. bk. 175 pl. 18 and pl. bk. 217 pl. 210) was recovered east of Cedar Street and used to establish the location of Elm Street between Alder and Birch Street. The deed distance shown on the Cummings plan (pl. bk. 56 pl. 55) was held to establish the angle point in Elm Street east of Cedar Street. A stone bound in the base of a tree and a drill hole as shown on a plan recorded in plan book 117 plan 92A were also recovered at the south side of Elm Street at Birch Street (see accompanying plan). A distance of 118.0 feet was the held from the angle point of the south side of Elm Street west to the easterly sideline of Cedar Street (deed bk. 19986 pg. 165, pl bk. 56 pl. 55).

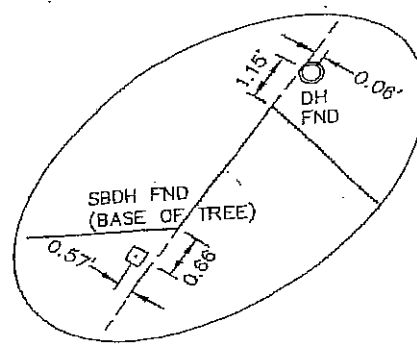
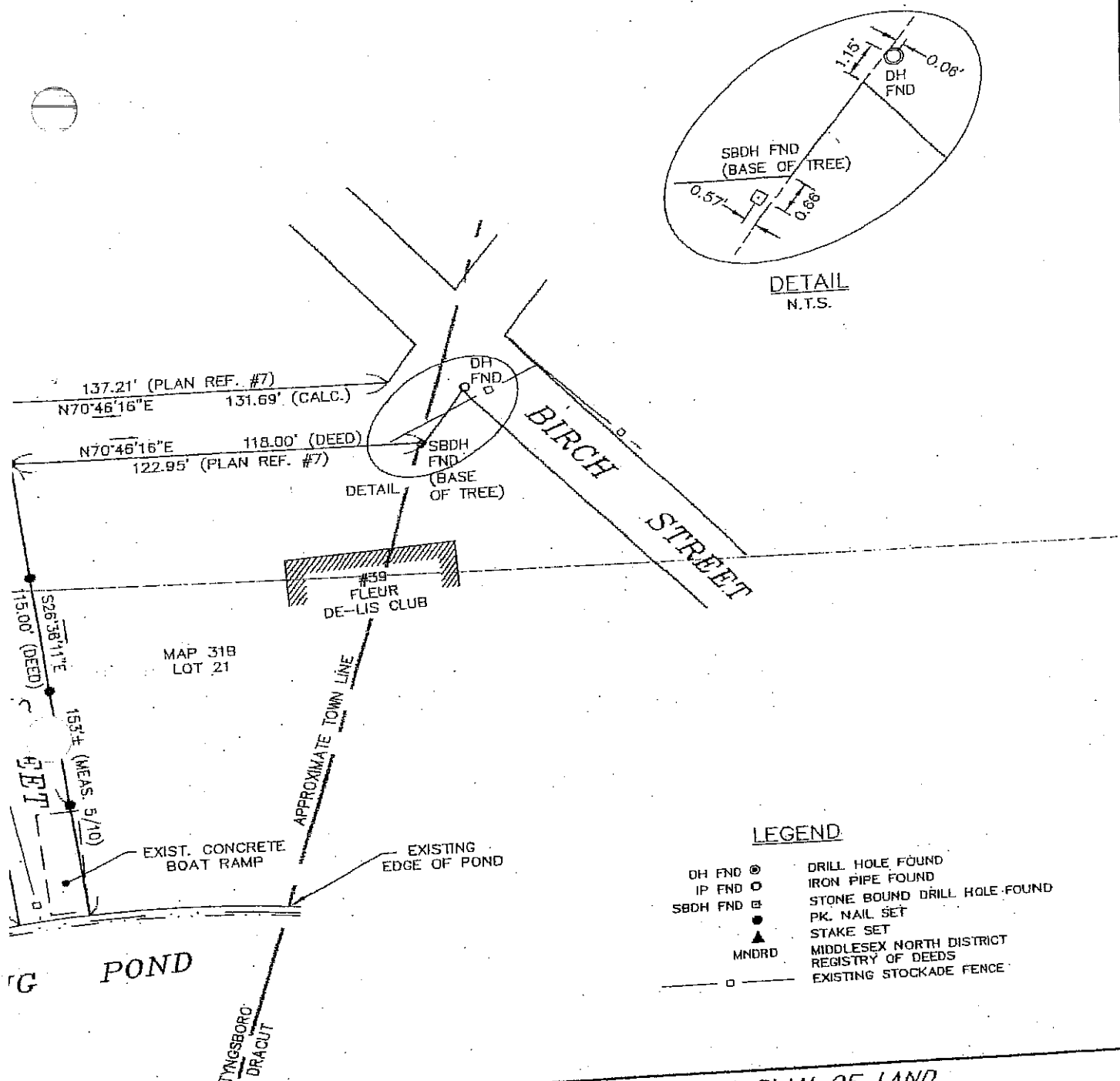
Several iron pipes shown on a plan prepared by Gabor Szava-Kovats (pl. bk. 119 pl. 1) were also recovered and held to establish the location of Elm Street. The angular relationship between Cedar Street and Elm Street was determined from the Cummings plan (pl. bk. 56 pl. 55).

Accompanying this survey report is a plan titled "Plan of Land in Tyngsboro, Massachusetts, Cedar Street" dated May 25, 2010 prepared by this office depicting the area and showing what markers were set in the field.



6/3/10

CONSERVATION COMMISSION  
10 JUN -4 AM 10:04



DETAIL  
N.T.S.

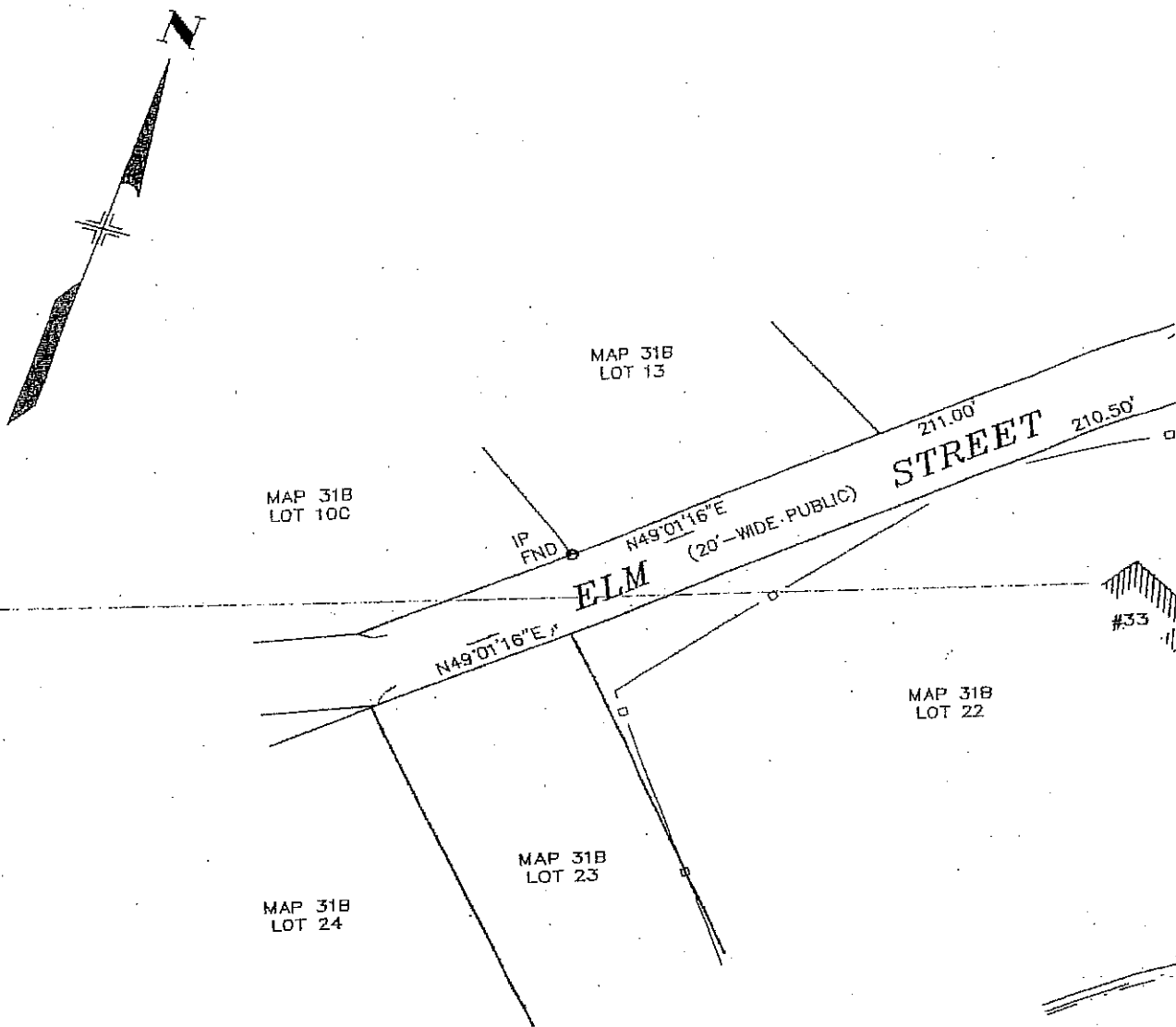
LEGEND

- DH FND ○ DRILL HOLE FOUND
- IP FND ○ IRON PIPE FOUND
- SBDH FND □ STONE BOUND DRILL HOLE FOUND
- PK. NAIL SET
- ▲ STAKE SET
- MNDRD MIDDLESEX NORTH DISTRICT
- REGISTRY OF DEEDS
- EXISTING STOCKADE FENCE



6/3/10

<p>PLAN OF LAND IN TYNGSBORO, MASSACHUSETTS</p> <p style="text-align: center;">CEDAR STREET</p>			
SCALE: 1"=30' JOB # 23101	DATE: JUNE 1, 2010	SHEET 1 OF 1	REV.
<p style="text-align: center;">PREPARED FOR TOWN OF TYNGSBORO 25 BRYANT LANE, TYNGSBORO, MASSACHUSETTS</p> <p style="text-align: center;">PREPARED BY <b>Land Engineering &amp; Environmental Services, Inc.</b> 130 Middlesex Road, Tyngsboro, Massachusetts 01879 Telephone (978) 649-4642</p>			

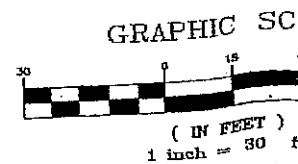


NOTES:

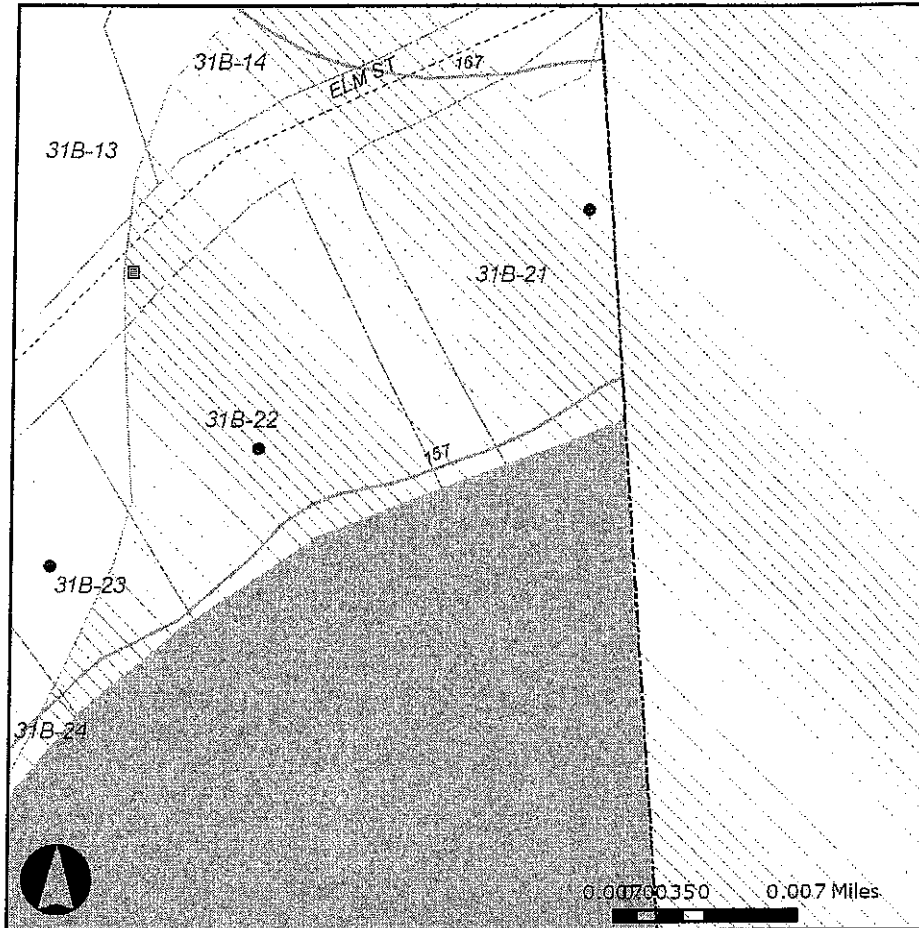
1. PROPERTY LINE INFORMATION TAKEN FROM DEEDS AND PLANS OF RECORD, AND A FIELD SURVEY DONE BY THIS OFFICE.

2. PLAN REFERENCES:  
M.N.D.R.D.

1. PLAN BK. 56 PL. 55
2. PLAN BK. 140 PL. 64
3. PLAN BK. 119 PL. 1
4. PLAN BK. 117 PL. 92A
5. PLAN BK. 175 PL. 18
6. PLAN BK. 217 PL. 110
7. PLAN OF ELM STREET IN TYNGSBOROUGH MASS, AS LAID OUT IN 1937 AND ACCEPTED BY THE TOWN, DATED MAY 1951.



# Map



## Roads



## Town Boundary



## Areas of Special Concern



## Culverts (427)



## Drain Outfalls (148)



## Drain Man Holes (912)



## Catch Basins (2651)



## Spillways (12)



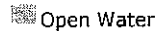
## Contours of Elevation (10 meter basis)

- 88 - 118
- 119 - 147
- 148 - 177
- 178 - 206
- 207 - 236
- 237 - 275
- 276 - 305
- 306 - 344
- 345 - 374
- 375 - 423

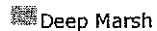
## Roads



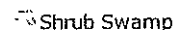
## Water Features



## Wetlands Features



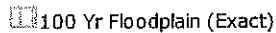
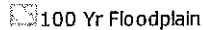
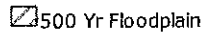
Shallow Marsh Meadow or Fen



## Wetlands Features (continued)

- Wooded Swamp Coniferous
- Wooded Swamp Deciduous
- Wooded Swamp Mixed Trees

## Flood Plain



## Property Parcels



## Zoning Districts



Residential 1

Residential 2



**Street Finder (1)**

Roads (1)



FID	ROADNAME	DISPLAY	DISTINFEET	JURISDICTION	Shape_Length
84	ELM ST		1561.9457710655	2	476.27903813793273



*The Commonwealth of Massachusetts*  
*William Francis Galvin*  
*Secretary of the Commonwealth*

Michael Gilleberto  
Town Administrator  
25 Bryants Lane  
Town Hall  
Tyngsborough, MA 01879

RECEIVED  
SEP 14 2010  
TOWN OF TYNGSBOROUGH  
MA

September 13, 2010

Dear Mr. Gilleberto,

As you are aware, immediately after the 2010 Federal Census data is released, each municipality in Massachusetts with populations greater than 6,199 inhabitants must redraw their local precinct lines for use by the Massachusetts General Court in its upcoming redistricting of state and federal representative districts. This process, called re-precincting, can be a challenging procedure for a municipality particularly in these difficult economic times.

I am writing to offer each municipality technical assistance from my Office in the upcoming re-precincting process. This service will be provided at no cost to your municipality. Indeed, my Office provided this same assistance after the 2000 Census and successfully assisted municipalities in completing re-precincting in a timely manner after release of the Census data.

This Office will provide local officials charged with the responsibility to re-precinct with personal consultation by a re-precincting analyst to assist you in developing a compliant local precinct plan. This Office will also make available mapping services to assist you in redrawing your precinct boundaries. While this Office will make available technical support and consultation, the actual decisions as to the boundaries, demographic composition of precincts and communities of interest making up each precinct, remain the decisions of each municipality.

For the 2010 Census, we expect that the Census data will be released no later than April, 2011. After the data is released, each municipality will need to work quickly to develop and approve a re-precincting plan for submission to the Local Election District Review Commission (LEDRC). The LEDRC is a three-person body comprised of the Governor, the Secretary of the Commonwealth, and the Attorney General, or their respective designees. The LEDRC is charged

(over)



with the responsibility of approving each local re-precincting plan.

If a municipality required to redraw their precinct lines fails to do so in a timely manner, the law requires that the LEDRC appoint "a master" who will re-draw the precinct lines subject to approval and amendment by the LEDRC. The cost of re-precincting by a master is borne by the municipality.

After all cities & towns have completed re-precincting, the Legislature acts on creating new Congressional and Legislative Districts based on the Census 2010 data.

Enclosed please find a survey asking if your municipality would like technical assistance from this Office. Please complete this survey and return it as soon as possible so that we may plan accordingly.

Additionally, I have also included a listing of workshops throughout the state that this Office will be conducting on the re-precincting process and standards as set forth in state law, as well as a personalized mapping simulation of your municipality based on the latest estimates. If you would like to reserve a spot in a workshop for yourself or a representative from your municipality, please complete the enclosed form and fax it to 617-878-3511.

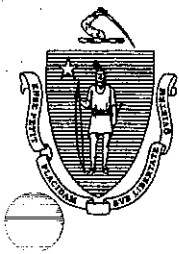
If you have any questions, please feel free to call 617-727-0420.

Very truly yours,



William Francis Galvin  
Secretary of the Commonwealth

cc: City or Town Clerk (cover letter only)



# The Commonwealth of Massachusetts

William Francis Galvin

Secretary of the Commonwealth

One Ashburton Place, Boston, Massachusetts 02108-1512

## 2010-2011 RE-PRECINCTING SURVEY

City or Town: Tyngs

Current # of Wards (for Cities): \_\_\_\_\_ Current # of Precincts: 4

Person(s) designated to re-draw precincts:

Name/Title	Phone	Email
_____	_____	_____
_____	_____	_____
_____	_____	_____

Current mapping software used (if any): \_\_\_\_\_

Final decision-maker on districts:

Name/Title	Phone	Email
_____	_____	_____

### PLEASE CHECK-OFF ONE OF THE FOLLOWING:

- ☒ Our city/town is requesting the technical assistance of re-precincting analysts from the Secretary of the Commonwealth for the completion of our 2011 re-precincting project.
- ☐ Our city/town will re-draw our precinct lines without the technical assistance of the Secretary's Office.
- ☐ At this point, I'm not sure if we need any technical assistance on re-precincting.

Name Michael Gilleberto Date \_\_\_\_\_

Technical Assistance will be provided on a first-come, first-serve basis.

Please fax this form to the Census Division at (617) 878-3511.



# The Commonwealth of Massachusetts

William Francis Galvin

Secretary of the Commonwealth

One Ashburton Place, Boston, Massachusetts 02108-1512

## 2010-2011 RE-PRECINCTING WORKSHOPS

The Secretary of the Commonwealth's Office will be conducting workshops on the re-precincting process and standards as set forth in state law, as well as a personalized mapping simulation of your municipality based on the latest estimates. Please choose from the listing below.

City or Town	Date	Time	Location
Springfield	Tuesday, October 5, 2010	10:00am - 1:00pm	Springfield State Office Building 436 Dwight St. Basement Conference Room B-42 Springfield, MA 01103
Worcester	Tuesday, October 12, 2010	9:00am - 1:00pm	Quinsigamond Community College Administration Building, Room 107A 670 West Boylston Street Worcester, MA 01606
Brockton	Tuesday, October 19, 2010	10:00am - 1:00pm	City Hall G.A.R. Room 2nd Floor 45 School St. Brockton, MA 02301
Fall River	Tuesday, October 26, 2010	10:00am - 1:00pm	Bristol Community College 777 Elsbree Street, Building H Jackson Arts Center, Room H209 Fall River, MA 02720
Mashpee	Tuesday, November 9, 2010	10:00am - 1:00pm	Town Hall Selectman's Conference Room 16 Great Neck Road North Mashpee, MA 02649
Needham	Tuesday, November 30, 2010	10:00am - 1:00pm	Needham Public Service Administration Building Conference Room 500 Dedham Avenue Needham, MA 02492
Wrentham	Tuesday, December 7, 2010	10:00am - 1:00pm	Public Safety Building Conference Room 89 South Street Wrentham, MA 02093
Boston	Tuesday, December 14, 2010	10:00am - 1:00pm	McCormack Building, Office of the Secretary of the Commonwealth 17th Floor Conference Room 1 Ashburton Place Boston, MA 02133
Ipswich	Tuesday, January 11, 2011	10:00am - 1:00pm	Town Hall Selectman's Hearing Room - 2nd Floor 25 Green Street Ipswich, MA 01938

To register for a workshop, please fax this form to John Barr at the Census Division at (617) 878-3511, or mail to Secretary of the Commonwealth, 1 Ashburton Place, Room 1612, Boston, MA 02108.

Name: \_\_\_\_\_

Town / Department: \_\_\_\_\_

Address: \_\_\_\_\_

Phone: \_\_\_\_\_ Fax: \_\_\_\_\_

Please check the workshop which you will be attending:

☐ Springfield

☐ Worcester

☐ Brockton

☐ Fall River

☐ Mashpee

☐ Needham

☐ Wrentham

☐ Boston

☐ Ipswich

TYNGSBOROUGH SCHOOL COMMITTEE MEETING  
(Tyngsborough Hall Community Room)

August 17, 2010

The meeting was called to order by Chair Wennerstrom at 7:00 p.m. Those present were Jeff Hunt, Burt Buchman, Herb Desrosiers, John Hickey, and Shaun McCarty.

1. Call to Order

Also present were Superintendent Ciampa, Business Administrator Joe Messina and Student Representative Katelyn O'Connor.

School Committee members, Superintendent Ciampa, Business Administrator Joe Messina, Student Representative Katelyn O'Connor and Administrative Assistant Sue Harvey introduced themselves.

Chair Wennerstrom called for the approval of the Minutes.

2. Approve the Minutes  
of July 20, 2010, and the  
Executive Session of  
July 20, 2010

Burt Buchman made a motion, seconded by Herb Desrosiers, to approve the Minutes of July 20, 2010.

VOTE: UNANIMOUS 5, Yea (Chair Wennerstrom) 0, Nay 1, Abstain (Mr. McCarty)  
(Mr. Buchman)  
(Mr. Desrosiers)  
(Mr. Hunt)  
(Mr. Hickey)

Jeff Hunt made a motion, seconded by Herb Desrosiers, to approve the Executive Session Minutes of July 20, 2010.

VOTE: UNANIMOUS 5, Yea (Chair Wennerstrom) 0, Nay 1, Abstain (Mr. McCarty)  
(Mr. Buchman)  
(Mr. Desrosiers)  
(Mr. Hunt)  
(Mr. Hickey)

Superintendent Ciampa acknowledged the following correspondence:

3. Correspondence  
A. Supt's Letters

- Beginning Teacher Institute/New Staff Orientation
- Neighbor-to-Neighbor Finished Article

None at this time.

4. Visitors' Comments  
and Question

Superintendent Ciampa noted that the success is forthcoming when they open the doors next week.

Superintendent Ciampa noted that the subcommittee is working on the bullying policy. He acknowledged the Bullying Update/Summary that Mike Long sent along to them. He noted that it is a large piece of legislation.

6. Policy

A. Update on Bullying  
Policy

Superintendent Ciampa noted that something came across his desk and should go before the Policy Subcommittee. Some discussion in terms of specific situations and parking fees.

B. Discussion of Parking/  
Transportation Fees

Jeff Hunt talked about a situation where a student purchases a parking pass and uses it for two months and then gets his driver's license. The subcommittee should come up with some modification to the policy where the fee is pro-rated or there's a maximum on what they pay for the year.

Chair Wennerstrom asked the Policy Subcommittee to bring forth recommendations to the School Committee.

Herb Desrosiers noted that he made changes to three (3) policies: Policy #5.29 -Student User Fees and #3.8/38.1-Athletic Coaches Handbook because of the changes made to sports fees.

C. Revised User Fees  
& Dates

Shaun McCarty made a motion, seconded by Herb Desrosiers, to waive the readings on the three above mentioned policies.

VOTE: UNANIMOUS 6, Yea 0, Nay 0, Abstain

Jeff Hunt made a motion, seconded by Burt Buchman, to approve Policy #5.29-Student User Fees and #3.8/#8.1-Athletic Coaches Handbook.

VOTE: UNANIMOUS 6, Yea 0, Nay 0, Abstain

Superintendent Ciampa notified the Committee of the following appointments:

- Kathy Arlin TMS Learning Center
- Nicole Nicosia TES (.3) Preschool Teacher
- Vickie Svendsen TES Special Ed. Teacher Gr. 3
- Sara Andrews TMS Science
- Kate Pomerleau THS Social Studies
- Ryan Gendron THS Social Studies
- Casey Finnegan TMS (.5) Special Ed. Facilitator
- Martha Wright THS (.5) Special Ed. Facilitator

Superintendent Ciampa welcomed all new staff members.

Superintendent Ciampa notified the Committee of the following resignations:

- Jason Brown THS Science Teacher after 9 years
- Jeffrey Duffany TMS History Teacher after 4 years
- Melissa Miceli TMS Paraprofessional after 5 years
- Douglas Wright TMS Para (5 years) Science Teacher (9 years)

He wished them well.

Superintendent Ciampa acknowledged the letter to the Division of Labor from the SEIU Local 888 (Secretaries) notifying them of their intent to withdraw their petition filed for decertification of the union.

Chair Wennerstrom asked that a letter be sent to the SIEU Local 888 acknowledging that they have reached an agreement with them to roll over their contract where they did not file in a timely manner.

Chair Wennerstrom noted that they are waiting for Karyn Puleo to arrive to discuss the Capital Exclusion so this item will be moved down the agenda.

Herb Desrosiers noted that the Policy Committee did meet on 8/10/10 and invited Officer Steve Manning to attend the meeting. He noted that Superintendent Ciampa will make sure that the staff is up to speed on the new bullying legislation. The did put a motion through for Superintendent Ciampa to work on the Paraprofessional Job Description

## 7. Personnel

### A. Notification of Appointments:

- Kathy Arlin
- Nicole Nicosia
- Vickie Svendsen
- Sara Andrews
- Kate Pomerleau
- Ryan Gendron
- Casey Finnegan
- Martha Wright

### B. Notification of Resignations:

- Jason Brown
- Jeffrey Duffany
- Melissa Miceli
- Douglas Wright

### C. Commonwealth of Massachusetts-Division of Labor

## 8. Standing Committee Reports

### A. Strategic Financial Planning Committee

### B. Policy Committee

Joe Messina noted that the Board met last night with the new Board. Superintendent Ciampa came in and wished them well. They went over some housekeeping issues and nominated officers. They are as follows:

- John Hickey - Chair
- Collin Manzo/Officer Steve Manning - Vice Chairs

#### C. Transportation Advisory Board

John Hickey noted that the Superintendent came in and welcomed all the volunteers. They reviewed the responsibilities of Policy #6.1A, the Open Meeting Law and went over some past issues. The next meeting is tentatively scheduled for 9/14/10 at 7:00 p.m. in the Superintendent's Conference Room. There may be a conflict with that date.

Some discussion was held.

Burt Buchman noted that the Committee met twice with the D. Negotiations Committee paraprofessionals and their representatives and have exchanged their proposals. They met tonight and he will summarize the meeting in Executive Session tonight.

Chair Wennerstrom asked about the finalized TTA contract which needs to be signed.

Superintendent Ciampa noted that he is meeting with the TTA and their new representative tomorrow and will follow up on that matter.

Superintendent Ciampa noted that George Trearchis assures him that the paving and repairs will be done by the start of school. This includes the sidewalk and other repairs at TES. Some paving has been done at the NRE Campus.

#### 9. Unfinished Business A. Paving and Repairs

Some discussion was held regarding funding.

Joe Messina noted that none of these costs are coming from the School Committee budget.

Chair Wennerstrom noted that perhaps they could get this clarified.

Chair Wennerstrom noted that George Trearchis was going to give an update, but as he looked over the MSBA Green Repair Program, it appears that any project they might have is not eligible for funding. He will come back when he has a list of submissions.

#### 10. New Business

##### A. MSBA Green Repair Program

Superintendent Ciampa noted that they have received Home School Programs for the following families:

- Christopher & Heather Black  
41 Phalanx Street  
~Female Child: DOB 10/14/97  
~Male Child: DOB 7/23/99  
~Female Child: DOB 7/4/94
- Michael and Karen Proulx  
~Female Child: DOB 7/12/94

##### B. Home School Approval:

- Christopher & Heather Black  
Female Child: DOB 10/14/97  
Male Child: DOB 7/23/99  
Female Child: DOB 7/12/94
- Michael & Karen Proulx  
Female Child: DOB 7/12/94

Chair Wennerstrom noted that there are conflicts with the meeting dates in September. They are now looking at meeting on 9/9/10 and 9/23/10.

##### C. September School Committee Dates

Burt Buchman made a motion, seconded by Herb Desrosiers, to move the regular scheduled meeting dates to 9/9/10 and 9/23/10.

VOTE: UNANIMOUS 6, Yea 0, Nay 0, Abstain

##### Out of Order:

Karyn Puleo noted that she is here on behalf of the Strategic Financial Planning Committee and noted that they have been working for months on the Capital Exclusion which is coming before the ballot on 9/14/10. She noted that they are trying to get as much information as possible out to the public.

##### Out of Order:

#### 8. Standing Committee Reports

##### A. Strategic Financial Planning Committee

She read the ballot question:

- Shall the Town of Tyngsborough be allowed to assess an additional \$780,000 in real estate and personal property taxes for the purposes of funding the following capital appropriations: Fire Command Car (\$40,000), Highway Dump Truck (\$130,000), Highway Wash Station Completion (\$100,000), School Technology Plan (\$100,000), School Paving (\$80,000), Middle School Bleachers (\$80,000), High School Pierce Bleachers (\$125,000), Town Technology (\$25,000) and Town Road Plan (\$100,000) for the fiscal year beginning July 1<sup>st</sup>, 2010.

Some discussion was held and Mrs. Puleo was thanked.



Bill Schedules were signed.

Joe Messina noted that the natural gas bills are broken up into two (2) charges (delivery charge and supply charge). Currently, they are buying their natural gas from the Hess Corporation. That supply charge is broken out into two (2) different fees (a basis and a NYMEX price). Last year, the School Committee voted to lock in the basis price, but not NYMEX price. They were paying a total of \$9 per therm to Hess last year and that number is going down to \$8.64 for the next heating season. That is a 4% reduction.

Joe Messina noted that they are putting together the finishing touches on the FY10 numbers and will have them for the 9/9/10 meeting.

None at this time.

Joe Messina noted that in regards to the Early Childhood Center Sub-committee, they have two (2) citizen volunteers. Currently they have four (4) volunteers and he asked the School Committee how they should move forward.

Chair Wennerstrom noted that they should hold a blind lottery.

John Hickey and Herb Desrosiers noted that school starts in two (2) weeks and urged everyone to enjoy the rest of the summer.

Burt Buchman reminded everyone that there is an informational meeting being held on 9/7/10 at Town Hall on the Capital Exclusion Ballot Initiative.

Katelyn O'Connor noted that she is looking forward to working with the School Committee and keeping them updated on student activities and events.

Jeff Hunt asked about the posting of teacher assignments, etc.

Superintendent Ciampa noted that TES should have them at the beginning of next week and TMS/THS schedules have been put in the mail today.

## 11. Finance

### A. Signing of Bills

### B. Natural Gas Pricing

### B. June 2010 Financial Package

## 12. Visitors' Comments and Questions

## 13. School Committee Discussion

Superintendent Ciampa commented to students that their summer work should be completed and portfolio work for the high school should be done. He noted that teachers have been coming into the buildings to set up and the buildings and staff are ready to go.

Chair Wennerstrom noted that a few weeks back, she and the Superintendent met with the Town Administrator and the Board of Selectmen Chair. She noted that it was a positive meeting at which she shared some concerns about the Strategic Financial Planning document and what that meant for the schools. They talked a little bit about some of the ongoing issues and hopefully they have developed a better line of communication than they had in the past. She noted that another comment she has is in regards to user fees. They charge the students fees to play and then they charge the parents to watch their kids play. She asked the Policy Committee to take a look at this and see what they can do. She is excited for the start of the school year and she reminded folks that kids will be on the road and urged them to be mindful of this on 8/31/10.

8:00 p.m.

Burt Buchman made a motion, seconded by Herb Desrosiers, 14. Executive Session to go into Executive Session for the purpose of discussing a personnel issues and collective bargaining strategies and come out only to adjourn the open meeting.

VOTE: UNANIMOUS 6, Yea 0, Nay 0, Abstain

-Chair Wennerstrom	-Yea	-Mr. Hunt	-Yea
-Mr. Buchman	-Yea	-Mr. Hickey	-Yea
-Mr. Desrosiers	-Yea	-Mr. McCarty	-Yea

8:29 p.m.

Burt Buchman made a motion, seconded by John Hickey, 15. Adjournment to adjourn the open meeting.

VOTE: UNANIMOUS 6, Yea 0, Nay 0, Abstain

Respectfully submitted,

Herb Desrosiers, Secretary

APPROVED: September 9, 2010

**TYNGSBOROUGH SCHOOL DISTRICT**

**SCHOOL COMMITTEE MEETING**

**EXECUTIVE SESSION**

**AUGUST 17, 2010**

8:00 p.m.

Burt Buchman made a motion, seconded by Herb Desrosiers, to go into Executive Session for the purpose of discussing personnel issues and collective bargaining strategies and come out to adjourn the open meeting.

VOTE: UNANIMOUS 6, Yea 0, Nay 0, Abstain

-Mrs. Wennerstrom	-Yea	-Mr. Hunt	-Yea
-Mr. Buchman	-Yea	-Mr. Hickey	-Yea
-Mr. Desrosiers	-Yea	-Mr. McCarty	-Yea

The Committee discussed personnel issues and collective bargaining strategies.

On a motion made by Burt Buchman, seconded by Shaun McCarty, it was voted to adjourn the Executive Session at 8:28 p.m. and come out only to continue the business on the agenda.

VOTE: UNANIMOUS 6, Yea 0, Nay 0, Abstain

-Mrs. Wennerstrom	-Yea	-Mr. Hunt	-Yea
-Mr. Buchman	-Yea	-Mr. Hickey	-Yea
-Mr. Desrosiers	-Yea	-Mr. McCarty	-Yea

APPROVED: September 9, 2010

TYNGSBOROUGH PUBLIC SCHOOLS  
WORK SESSION (Tyngsborough High School Library)

August 25, 2010

The meeting was called to order by Chair Wennerstrom at 7:00 p.m. Those present were Herb Desrosiers, Burt Buchman, John Hickey, Jeff Hunt and Collin Manzo.

Also in attendance were Superintendent Don Ciampa, Business Administrator Joe Messina, Director of Special Education Kerry Cavanaugh, Director of Curriculum Kate Burnham, Principal of THS & TMS Michael Flanagan, Principal of TES Beth Devine, Director of Guidance Sarah Lewenczuk, Director of Technology Steve Hall and Athletic Director Scott Moreau.

Superintendent Don Ciampa presented the "The First Hundred Days" for the 2010-2011 School Year to the Committee.

Director Kate Burnham presented the Curriculum, Instruction & Assessment plan for the 2010-2011 School Year to the Committee.

Director Kerry Cavanaugh presented the Special Education plan for the 2010-2011 School Year to the Committee.

Principal Beth Devine presented the Elementary School plan for the 2010-2011 School Year to the Committee.

Principal Michael Flanagan presented the Norris Road Campus plan for the 2010-2011 School Year to the Committee.

Director Sarah Lewenczuk presented the Guidance plan for the 2010-2011 School Plan to the Committee.

Director Steven Hall presented the Technology plan for the 2010-2011 School Year to the Committee.

Director Scott Moreau presented the Athletic plan for the 2010-2011 School Year to the Committee.

The Committee discussed the Long-Term Strategic Financial Planning information request from the Board of Selectman.

1. Call to Order

2. Superintendent's  
Entry Plan

3. Strategic Financial  
Planning Submission

2010 SEP 22 09:11:06  
TYNGSBOROUGH, MA

Chair Wennerstrom updated the Committee on the Tyngsborough Elementary School entrance road reconstruction.

8:50 p.m.

Collin Manzo made a motion, seconded by Jeff Hunt to adjourn the open meeting.

VOTE: UNANIMOUS 6, Yea 0, Nay 0, Abstain

Respectfully submitted,

Herb Desrosiers, Secretary

4. TES Road  
Reconstruction

5. Adjournment

APPROVED: September 9, 2010

TYNGSBOROUGH SCHOOL COMMITTEE MEETING  
(Tyngsborough High School Library)

September 9, 2010

The meeting was called to order by Chair Wennerstrom at 7:00 p.m. Those present were Burt Buchman, Collin Manzo, Herb Desrosiers, and John Hickey.

Also present were Superintendent Ciampa, Business Administrator Joe Messina and Student Representative Katelyn O'Connor.

School Committee members, Superintendent Ciampa, Business Administrator Joe Messina, Student Representative Katelyn O'Connor and Administrative Assistant Sue Harvey introduced themselves.

Chair Wennerstrom called for the approval of the Minutes.

Burt Buchman made a motion, seconded by Herb Desrosiers, to approve the Minutes of August 17, 2010 and Executive Session of August 17, 2010.

VOTE: UNANIMOUS 4, Yea (Chair Wennerstrom) 0, Nay 1, Abstain (Mr. Manzo)  
(Mr. Buchman)  
(Mr. Desrosiers)  
(Mr. Hickey)

Herb Desrosiers made a motion, seconded by Collin Manzo, to approve the Work Session of August 25, 2010.

VOTE: UNANIMOUS 5, Yea (Chair Wennerstrom) 0, Nay 0, Abstain  
(Mr. Buchman)  
(Mr. Desrosiers)  
(Mr. Hickey)  
(Mr. Manzo)

1. Call to Order

2. Approve the Minutes  
of August 17, 2010, Work  
Session of August 25, 2010  
& Executive Session of  
August 17, 2010

Superintendent Ciampa acknowledged the following correspondence:

- Letter from Mrs. Gramer to Superintendent/Mrs. Gill complimenting the Superintendent's Notes
- List of Meeting Dates to Town Hall
- Subcommittee Postings (clarify who posts)
- Update of Bus Fee Collection Rates

None at this time.

Superintendent Ciampa acknowledged the terrific job by staff members during the opening of school.

Student Representative Katelyn O'Connor, noted that school has started and students are getting into their schedules. She noted that the soccer and field hockey teams had their first games this week and the first home football game will be held tomorrow at 7:00 p.m.

Herb Desrosiers acknowledged the updated Policy Index.

Superintendent Ciampa notified the Committee of the following appointments:

- |                      |                      |
|----------------------|----------------------|
| • Carrie Ladebauche  | TMS Sped Teacher     |
| • Evan Donnelly      | TMS Paraprofessional |
| • Anthony Nadworny   | TMS Paraprofessional |
| • Greg Costa         | TES Paraprofessional |
| • Mike Woodlock      | THS Dean             |
| • John Salmon        | TMS Dean             |
| • Meghan Campbell    | TECC Dean            |
| • Jeff Stangroom     | Computer Technician  |
| • Elizabeth Sullivan | Network Manager      |
| • Edward Jaracz      | TMS Social Studies   |
| • Jamie Phipps       | (.8) THS Guidance    |

Superintendent Ciampa welcomed all new staff members.

Superintendent Ciampa notified the Committee of the following status changes:

- Deborah Donohoe TMS Nurse (.4) to (.5)

### 3. Correspondence

#### A. Supt's Letters

### 4. Visitors' Comments and Question

### 5. Share the Success

### 6. Policy

#### A. Policy Index

### 7. Personnel

#### A. Notification of Appointments:

- Carrie Ladebauche TMS Sped
- Evan Donnelly TMS Para
- Anthony Nadworny TMS Para
- Greg Costa TES Para
- Mike Woodlock THS Dean
- John Salmon TMS Dean
- Meghan Campbell TECC Dean
- Jeff Stangroom Computer Tech.
- Elizabeth Sullivan Network Mgr.
- Edward Jaracz TMS Soc. Studies
- Jamie Phipps (.8) THS Guidance

#### B. Notification of Status Changes:

- Deborah Donohoe - TMS Nurse From (.4) to (.5)

Burt Buchman noted that on Monday, they held their 2nd informational meeting and quite a number of residents attended. He noted that there were a lot of questions mostly on two (2) school items (technology and paving). There will be a second ballot that voters will get. They are trying to get all of the information out to the voters. The next SFP meeting will be held on 9/24/10 @ 6:30 p.m. He noted that Joe Messina has three (3) years financial projections.

## 8. Standing Committee Reports

### A. Strategic Financial Planning

Superintendent Ciampa noted that part of the agreement was that he and Burt work in the planning of the SFP three (3) year projections which was a town wide effort to put forth budgets. They took this year's salaries and moved them forward three (3) years. He noted that this was a huge endeavor for Mr. Messina.

Joe Messina noted that the first column on the sheet is where they are currently. The Planning Committee asked them to project out FY12, FY13, and FY14 at first with the current staff and level status and then project out salaries based upon 0% over 3 years, 1% over 3 years, and 2% over 3 years. He also discussed the salary projections-rollover costs FY2012 - FY2014. He noted that for expenses, he felt comfortable figuring in a 3% increase over each of the 3 years.

Joe Messina and Superintendent Ciampa discussed the following:

- Salaries/Wages - Changes from existing staff
  - Social Studies - THS
  - SPED Para - TES
  - Learning Center - THS
  - Student Population Shifts
- Expenses - Changes from current
  - Sped Tuitions Increase
  - Curriculum Cycle
  - Fee Reductions
  - HS Accreditation

Chair Wennerstrom opened up the floor to comments and questions from the Committee.

They are looking to finalize the numbers for the 9/21/10 meeting.

Herb Desrosiers noted that they are waiting to hear from Jeff Hunt and Shaun McCarty for a meeting date to discuss parking and transportation fees. He noted

### B. Policy Committee



that they did receive the final update on the Bullying Bill and there is a clause that a committee must be formed with parents, students, administrators, teachers and School Committee members. They will work on the language and then there must be public review. After the public review, it will go before the Policy Committee for review. He would like to see the School Councils and SEPAC involved. He would also like to volunteer to be one of the School Committee Representatives on this committee.

Superintendent Ciampa noted that Sarah Lewenczuk is the main contact person. She is coordinating this with both building principals and she will reach out to formulate this committee.

John Hickey noted that based on past practices, they have a meeting scheduled for next Thursday. C. Transportation Advisory

Joe thanked parents and students who ride the buses for a smooth opening of school. He noted that they have asked the bus company to intervene with any issues that are brought to the Superintendent. There is a meeting scheduled for 9/16/10. Right now there are no issues to discuss so they will check to see if that meeting still needs to be held.

Burt Buchman noted that they met on 8/30/10 with the paraprofessionals and the MTA Representative and have come to a tentative agreement. During Executive Session tonight they will review the copy of the memorandum. The paraprofessionals will be voting on 9/14/10. He thanked the Negotiations Committee. D. Negotiations Committee

Chair Wennerstrom noted that previously, they put together a subcommittee, but there was some confusion about their existence and the committee was dissolved. She noted that tonight they will re-appoint the subcommittee and recommended the appointments of John Hickey, Shaun McCarty, and Jeff Hunt to the Athletic Committee. E. Athletic Committee

Herb Desrosiers made a motion, seconded by Collin Manzo, to appoint the three members mentioned above.

VOTE: UNANIMOUS 5, Yea 0, Nay 0, Abstain

Chair Wennerstrom noted that a TECC Building Study Committee was formed to look at uses for TECC.

9. Unfinished Business  
A. TECC Building Study Committee

Superintendent Ciampa noted that a lottery was held and Carl Nelson and Fred Wendt were chosen. He recommended their appointments.

John Hickey made a motion, seconded by Burt Buchman, to appoint Carl Nelson and Fred Wendt to the TECC Building Study Committee.

VOTE: UNANIMOUS 5, Yea 0, Nay 0, Abstain

Chair Wennerstrom noted that the School Committee Reps on that committee are Collin Manzo and Jeff Hunt.

VOTE: UNANIMOUS 5, Yea 0, Nay 0, Abstain

Chair Wennerstrom noted that there's been a number of conversations regarding what is in the TES Remediation Account.

B. TES Remediation Update

Superintendent Ciampa noted that the Town Administrator and Bob Jackson have provided an account of what is in the account, what has been spent, etc.

Balance when building was occupied.	\$209,488.26
Bills due-not paid & legal fees	<u>\$150,000.00</u>
	\$359,488.26
Was spent down to a deficit of	(\$86,830.89)
 The Town received (settlement)	 \$450,000.00
Deficit	<u>(\$86,830.89)</u>
Leaving an available balance of	\$363,169.11

He noted that there are a number of issues (close to \$1 million to fix). He has asked George Trearchis to go through the list and prioritize the items. They will have that list on 9/21/10.

These monies are available to them. He thanked Michael Gilleberto and Bob Jackson for putting this list together.

Superintendent Ciampa noted that in the initial phase, they fixed the sidewalk, but this item is addressing the problem with the roadway and water shed issues. This is not a school problem it is a town problem. They have been discussing this problem and will be meeting next week. There are water shed issues, conservation issues and culvert issues. They need to take a good long look at this and involve all of the boards. They will keep the School Committee updated.

C. TES Roadway Update

Chair Wennerstrom was asked to attend these meetings. She noted that she has asked John Hickey to go in her place since he has some expertise in these areas.

Superintendent Ciampa noted that they have received Home School Program for the following family:

- Bruce and Sheila Schofield  
15 Farwell Road  
~Male Child: DOB 6/15/93

10. New Business

A. Home School Approval:

-Bruce & Sheila Schofield  
Male Child: DOB 6/15/93

Superintendent Ciampa noted that there is a misconception that this money landed in their safe and this is not true. They have been awarded a potential grant of \$342,905. This money can be used up until 9/2013. This is not additional funds, but more of potential replacement funds.

B. Education Jobs Act Fund

Joe Messina noted that there are specific requirements as to how this money is spent.

Chair Wennerstrom noted that the guidelines and applications have not been released.

Bill Schedules were signed.

11. Finance

A. Signing of Bills

Chair Wennerstrom acknowledged the June 2010 Financial Package.

B. June 2010 Financial  
Package

Burt Buchman made a motion, seconded by Herb Desrosiers, to approve the actual final spending for FY10.

VOTE: UNANIMOUS 5, Yea 0, Nay 0, Abstain

None at this time.

12. Visitors' Comments  
and Questions

John Hickey thanked the Superintendent and his staff for getting the school year off to a great start. He thanked the Superintendent and his administrators for the 8/25/10 Work Session and noted that it was very well done. He urged people to get out and support the fall teams. He also urged people to get out and vote. The Tyng Fling, which supports all town wide youth athletic programs, is being held on 10/2/10.

### 13. School Committee Discussion

Herb Desrosiers thanked Superintendent Ciampa and his staff for a smooth start. He noted that last night, he attended a Special Education Parent Advisory Council (SEPAC) meeting where there was a lot of information for parents. They meet the first Wednesday of every month and will be starting workshops for parents. On another note, he would like to see some dialogue started from the Committee on the future of the Middle School where there are lot of issues.

Burt Buchman thanked Superintendent Ciampa and his staff for a smooth opening. He thanked the Superintendent and Joe Messina for the three (3) year projections. He wished everyone a good year and Happy Rosh Hashannah.

Colling Manzo noted that the school year is off to a good start.

Katelyn O'Connor thanked the Superintendent for a smooth start. She noted that the students are getting into the swing of things. The elections for class officers will be held on Monday.

Superintendent Ciampa noted that next week is a busy week. The sports games are starting, TES Barbeque is being held 9/13/10, Debt Exclusion Vote on 9/14/10, TMS/THS Open Houses, and Meet the Superintendent at TES on 9/16/10. He thanked everyone for their support.

Chair Wennerstrom thanked Rony Camille for following their meeting schedule. They appreciate his cooperation and help. She acknowledged all of the work that went into the debt exclusion presentations. Signs are going up around town. This is a separate ballot, so the voters will have to take two (2) ballots. She thanked the folks who had to move their schedules around for the voting. She commented "Go Tigers" Friday Night.

8:15 p.m.

Burt Buchman made a motion, seconded by Herb Desrosiers, 14. Executive Session to go into Executive Session for the purpose of discussing personnel issues and to address a collective bargaining issue and come out only to adjourn the open meeting.

VOTE: UNANIMOUS 5, Yea 0, Nay 0, Abstain

-Chair Wennerstrom	-Yea	-Mr. Hickey	-Yea
-Mr. Buchman	-Yea	-Mr. Manzo	-Yea
-Mr. Desrosiers	-Yea		

9:01 p.m.

John Hickey made a motion, seconded by Burt Buchman, to 15. Adjournment to adjourn the open meeting.

VOTE: UNANIMOUS 5, Yea 0, Nay 0, Abstain

Respectfully submitted,

Herb Desrosiers, Secretary

APPROVED: September 21, 2010

2010 SEP 22 PM 11:07

**TYNGSBOROUGH SCHOOL DISTRICT**

WALTON COLLECTMEN  
TYNGSBOROUGH, MA.

**SCHOOL COMMITTEE MEETING**

**EXECUTIVE SESSION**

**SEPTEMBER 9, 2010**

8:15 p.m.

Burt Buchman made a motion, seconded by Herb Desrosiers, to go into Executive Session for the purpose of discussing personnel issues and to address a collective bargaining issue and come out only to adjourn the open meeting.

VOTE: UNANIMOUS 5, Yea 0, Nay 0, Abstain

-Mrs. Wennerstrom	-Yea	-Mr. Hickey	-Yea
-Mr. Buchman	-Yea	-Mr. Manzo	-Yea
-Mr. Desrosiers	-Yea		

The Committee discussed personnel issues and a collective bargaining issue.

On a motion made by Burt Buchman, seconded by John Hickey, it was voted to adjourn the Executive Session at 9:00 p.m. and come out only to continue the business on the agenda.

VOTE: UNANIMOUS 5, Yea 0, Nay 0, Abstain

-Mrs. Wennerstrom	-Yea	-Mr. Hickey	-Yea
-Mr. Buchman	-Yea	-Mr. Manzo	-Yea
-Mr. Desrosiers	-Yea		

APPROVED: September 21, 2010

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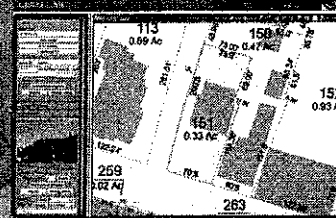
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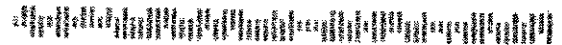
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Board of Selectmen  
Town of Tyngsborough  
25 Brent Ln  
Tyngsboro, MA 01879-1042





# NOLAN PERRONI HARRINGTON, LLP

GARY G. NOLAN, ESQ.

PETER J. PERRONI, ESQ. † ‡

JAMES M. HARRINGTON, ESQ.

KEVIN E. BUCK, ESQ. †

JAMES M. HARRINGTON, SR., ESQ.,

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FAX: 978-454-2767

MANCHESTER, NH OFFICE  
603-222-9095

† ALSO ADMITTED IN NEW HAMPSHIRE

‡ ALSO ADMITTED IN MAINE

September 14, 2010

Town of Tyngsborough  
Michael P. Gilleberto, Town Administrator  
25 Bryants Lane  
Tyngsborough, Massachusetts 01879

**RE: Street Acceptances for Alpine Way and Skyline Drive in the Deer Ridge Estates Subdivision**

Dear Mr. Gilleberto:

This office represents Connell Construction Corp. in connection with the above street acceptance package. Enclosed, please find the following:

1. Executed deed conveying the fee in the roadways and associated easements to the Town.
2. Executed deed conveying open space to the Town.

With the initial submittal, pursuant to Section 6 of the Subdivision Rules and Regulations, certification that the fees in Alpine Way and Skyline Drives have not been been inadvertently conveyed by abutting lot owners was provided.

Although, in addition to the above certification, an actual title certification seems to have been requested, a title certification has not been provided. Whereas a title certification does not appear to be required in either the Town Bylaw or the Subdivision Rules and Regulations, such was not provided with the initial submittal. Whereas I find no requirement for a title certification and a title certification is not normally required in other municipalities, a title certification was not contemplated. Our office neither represented Connell Construction Corp. in connection with the purchase of the property nor have we had reason to perform a complete title search on this project, which appears to have been undertaken by my client's lender's counsel.

Thank you for your attention to this matter. In the meantime, do not hesitate to call should you wish to discuss this matter further.

Very Truly Yours,

JAMES M. HARRINGTON

ABOVE THIS LINE FOR REGISTRY USE ONLY

# ROADWAY AND EASEMENT DEED

**Connell Construction Corp.**, a corporation duly established under the laws of Massachusetts, having a usual place of business at 43 Ingalls Rd., Tyngsborough, Massachusetts 01879

in consideration of One and 00/100 (\$1.00) Dollar, hereby

grants to the **Inhabitants of the Town of Tyngsborough**, a municipal corporation, with an address of 25 Bryants Lane, Tyngsborough, Middlesex County, Massachusetts,

*with quitclaim covenants*

the fee in the roadway shown as "Alpine Way" on a plan of land entitled "Map 9/Lots 8-12, 8-13, 8-14, 8-15 and Lot 23, Definitive Consolidation and Subdivision, Deer Ridge Estates, Westford, Road, Tyngsborough, Massachusetts" prepared by Cuoco & Cormier Engineering Associates, Inc., dated November 19, 1999 and revised through January 11, 2000 and recorded with the Middlesex North District Registry of Deeds in Plan Book 203 as Plan 14 (hereafter sometimes referred to as the "Subdivision Plan") and more particularly described on Exhibit A attached hereto; and

the fee in the roadway shown as "Skyline Drive" on said plan of land entitled "Map 9/Lots 8-12, 8-13, 8-14, 8-15 and Lot 23, Definitive Consolidation and Subdivision, Deer Ridge Estates, Westford, Road, Tyngsborough, Massachusetts" prepared by Cuoco & Cormier Engineering Associates, Inc., dated November 19, 1999 and revised through January 11, 2000 and recorded with the Middlesex North District Registry of Deeds in Plan Book 203 as Plan 14 (hereafter sometimes referred to as the "Subdivision Plan") and more particularly described on Exhibit A attached hereto; and

the drainage easements shown on the Subdivision Plan as "Proposed Drainage Easement" on Lot 6; "Proposed 30' Drainage Easement" on Lots 21 and 22; and "Proposed Drainage Easement" on Lot 25;

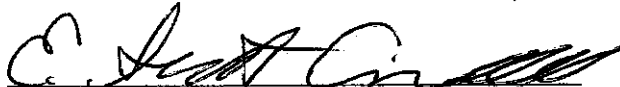
all subject to easements, restrictions, covenants, and rights of way of record, insofar as the same are in force and applicable.

PROPERTY ADDRESS: Alpine Way and Skyline Drive, Tyngsborough, MA 01879

For Grantor's title see deeds recorded with said Registry of Deeds in Deed Book 11013, Page 138; Book 9068, Page 113; Book 9053, Page 108; 9053, Page 113 and Book 8610, Page 141.

Executed as a sealed instrument this 31 day of AUGUST 20010.

CONNELL CONSTRUCTION CORP.,

  
by: E. Scott Connell, as President and Treasurer

THE COMMONWEALTH OF MASSACHUSETTS

MIDDLESEX, SS.

On this 31<sup>st</sup> day of August 2010, before me, the undersigned notary public, personally appeared E. Scott Connell, as President and Treasurer for Connell Construction Corp., a Massachusetts corporation, proved to me through satisfactory evidence of identification, which was a Driver's License, to be the person whose name is signed on the preceding or attached document, and acknowledged to me that he signed it voluntarily for its stated purpose.

  
Notary Public:

My Commission Expires:



JAMES M. HARRINGTON  
Notary Public  
Commonwealth of Massachusetts  
My Commission Expires  
August 29, 2014

**ACCEPTANCE BY THE BOARD OF SELECTMEN**

We, the undersigned, being the Board of Selectmen of the Town of Tyngsborough, Massachusetts, do hereby accept the within conveyance from Connell Construction Corp. to the Town of Tyngsborough.

**TOWN OF TYNGSBOROUGH  
BOARD OF SELECTMEN**

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

**THE COMMONWEALTH OF MASSACHUSETTS**

MIDDLESEX, SS. \_\_\_\_\_, 201\_\_

On this \_\_\_\_ day of \_\_\_\_\_ 201\_\_, before me, the undersigned notary public,  
personally \_\_\_\_\_ appeared \_\_\_\_\_,

\_\_\_\_\_, and \_\_\_\_\_, each  
proved to me through satisfactory evidence of identification, which was personal knowledge, to  
be the person whose name is signed on the preceding or attached document, and acknowledged  
to me that he or she signed it voluntarily for its stated purpose.

\_\_\_\_\_  
Notary Public:  
My Commission Expires:

**EXHIBIT A**

**Alpine Way and Skyline Drive**

**BEGINNING AT A STONE BOUND**, being located on the southerly sideline of Patriot Road, a public way and the westerly sideline of Alpine Way,

Thence, northeasterly along a curve to the right having a radius of 20.00 feet, an arc length of 28.35 feet more or less to a stone bound;

Thence, S 64°21'40" E for a distance of 96.21 feet more or less more or less to a stone bound;

Thence, southeasterly along a curve to the right having a radius of 275.00 feet, an arc length of 103.81 feet more or less to a stone bound;

Thence, S 42°43'57" E for a distance of 202.90 feet more or less more or less to a stone bound;

Thence, southeasterly along a curve to the right having a radius of 275.00 feet more or less, an arc length of 244.25 feet more or less to a stone bound;

Thence, S 08°09'23" W for a distance of 288.46 feet more or less to a stone bound;

Thence, southeasterly and northeasterly along a curve to the left having a radius of 325.00 feet, an arc length of 850.42 feet more or less to a stone bound;

Thence, N 38°13'56" E for a distance of 310.00 feet more or less to a stone bound ;

Thence, northeasterly, along a curve to the right having a radius of 275.00 feet, an arc length of 183.33 feet more or less to a stone bound;

Thence, N 76°25'46" E for a distance of 254.35 feet more or less to a stone bound;

Thence, northeasterly along a curve to the left having a radius of 525.00 feet, an arc length of 215.23 feet more or less to a drill hole set in ledge;

Thence, N 52°56'24" E for a distance of 673.42 feet more or less to a stone bound;

Thence, northerly along a curve to the left having a radius of 325.00 feet, an arc length of 360.20 feet more or less to a stone bound;

Thence, N 10°33'42" W for a distance of 49.35 feet more or less to a stone bound;

Thence, northeasterly along a curve to the right with a radius of 20.00 feet, an arc length of 31.42 feet more or less to a stone bound on the southerly side of said Anderson Way and the westerly sideline of said Alpine Way;

Thence, S 79°26'18" W a tie course distance of 90.00 feet more or less to a stone bound on the

southerly side of Anderson Way;

Thence, southeasterly along a curve to the right having a radius of 20.00 feet, an arc length of 31.42 feet more or less to a stone bound;

Thence, S 10°33'42" E for a distance of 49.35 feet more or less to a stone bound;

Thence, southwesterly along a curve to the right having a radius of 275.00 feet, an arc length of 304.79 feet more or less to a stone bound;

Thence, S 52°56'24" W for a distance of 673.42 feet more or less to a stone bound;

Thence, southwesterly along a curve to the right having a radius of 475.00 feet, an arc length of 194.74 feet more or less to a stone bound;

Thence, S 76°25'46" W for a distance of 254.35 feet more or less to a stone bound;

Thence, southwesterly along a curve to the left having a radius of 325.00 feet, an arc length of 216.67 feet more or less to a stone bound;

Thence, S 38°13'56" W for a distance of 310.00 feet more or less to a stone bound;

Thence, southwesterly and northwesterly along a curve to the right having a radius of 275.00 feet, an arc length of 719.58 feet more or less to a stone bound;

Thence, N 08°09'23" E for a distance of 288.46 feet more or less to a stone bound;

Thence, northwesterly along a curve to the left having a radius of 325.00 feet, an arc length of 288.66 feet more or less to a stone bound;

Thence, N 42°43'57" W for a distance of 135.32 feet more or less to a stone bound located on the southerly side of Skyline Drive;

Thence, northeasterly along a curve to the right having a radius of 20.00 feet, an arc length of 31.42 feet more or less to a stone bound;

Thence, N 47°16'03" E for a distance of 7.00 feet more or less to a stone bound;

Thence, easterly along a curve to the right having a radius of 225.00 feet, an arc length of 229.57 feet more or less to a stone bound;

Thence, southeasterly along a curve to the right having a radius of 20.00 feet, an arc length of 25.45 feet more or less to a stone bound;

Thence, southerly, northeasterly and northwesterly along a curve to the left having a radius of 75.00 feet, an arc length of 396.05 feet more or less to a stone bound;

Thence, northwesterly along a curve to the right having a radius of 20.00 feet, an arc length of 18.58 feet more or less to a stone bound;

Thence, southwesterly along a curve to the left having a radius of 275.00 feet, an arc length of 297.74 feet more or less to a stone bound;

Thence, S 47°16'03" W for a distance of 7.73 feet more or less to a stone bound;

Thence, northwesterly along a curve to the right having a radius of 20.00 feet, an arc length of 30.12 feet more or less to a stone bound on the easterly sideline of said Alpine Way;

Thence, northwesterly along a curve to the left having a radius of 325.00 feet, an arc length of 101.54 feet more or less to a drill hole set in ledge;

Thence, N 64°21'40" W for a distance of 96.21 feet more or less to a stone bound;

Thence, northeasterly along a curve to the right having a radius of 20.00 feet, an arc length of 28.35 feet more or less to a stone bound on the southerly sideline of said Patriot Road ;

Thence, southwesterly along a tie course and along a curve to the right having a radius of 275.00 feet, an arc length of 84.23 feet more or less to a stone bound to the point of beginning.

Meaning and intending to describe the proposed roads, Alpine Way and Skyline Drive as shown on the Subdivision Plan.

ABOVE THIS LINE FOR REGISTRY USE ONLY

**OPEN SPACE DEED**

**Connell Construction Corp.**, a corporation duly established under the laws of Massachusetts, having a usual place of business at 43 Ingalls Rd., Tyngsborough, Massachusetts 01879

in consideration of One and 00/100 (\$1.00) Dollar,

hereby grants to the **Inhabitants of the Town of Tyngsborough**, a municipal corporation, with an address of 25 Bryants Lane, Tyngsborough, Middlesex County, Massachusetts,

*with quitclaim covenants*


the fee in the open space parcels of land shown as "Lot 30", "Lot 12" and "Lot 2" on a plan of land entitled "Map 9/Lots 8-12, 8-13, 8-14, 8-15 and Lot 23, Definitive Consolidation and Subdivision, Deer Ridge Estates, Westford, Road, Tyngsborough, Massachusetts" prepared by Cuoco & Cormier Engineering Associates, Inc., dated November 19, 1999 and revised through January 11, 2000 and recorded with the Middlesex North District Registry of Deeds in Plan Book 203 as Plan 14 (hereafter sometimes referred to as the "Subdivision Plan") and more particularly described on Exhibit A attached hereto; and

all subject to easements, restrictions, covenants, and rights of way of record, insofar as the same are in force and applicable.

For Grantor's title see deeds recorded with said Registry of Deeds in Deed Book 11013, Page 138; Book 9068, Page 113; Book 9053, Page 108; 9053, Page 113 and Book 8610, Page 141.

Executed as a sealed instrument this 31 day of AUGUST 2010

**CONNELL CONSTRUCTION CORP.,**

  
by: E. Scott Connell, as President and Treasurer

PROPERTY ADDRESS: Alpine Way and Skyline Drive, Tyngsborough, MA 01879



THE COMMONWEALTH OF MASSACHUSETTS

MIDDLESEX, SS.

On this 31<sup>st</sup> day of August, 2010, before me, the undersigned notary public, personally appeared E. Scott Connell, as President and Treasurer for Connell Construction Corp., a Massachusetts corporation, proved to me through satisfactory evidence of identification, which was a Driver's License, to be the person whose name is signed on the preceding or attached document, and acknowledged to me that he signed it voluntarily for its stated purpose.

Notary Public:



**JAMES M. HARRINGTON**

Notary Public

Commonwealth of Massachusetts

My Commission Expires

August 29, 2014

**ACCEPTANCE BY THE BOARD OF SELECTMEN**

We, the undersigned, being the Board of Selectmen of the Town of Tyngsborough, Massachusetts, do hereby accept the within conveyance from Connell Construction Corp. to the Town of Tyngsborough.

**TOWN OF TYNGSBOROUGH  
BOARD OF SELECTMEN**

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

**THE COMMONWEALTH OF MASSACHUSETTS**

MIDDLESEX, SS.

\_\_\_\_\_, 201\_\_

On this \_\_\_\_ day of \_\_\_\_\_ 201\_\_, before me, the undersigned notary public, personally \_\_\_\_\_ appeared \_\_\_\_\_,

\_\_\_\_\_, and \_\_\_\_\_, each proved to me through satisfactory evidence of identification, which was personal knowledge, to be the person whose name is signed on the preceding or attached document, and acknowledged to me that he or she signed it voluntarily for its stated purpose.

\_\_\_\_\_  
Notary Public

## Selectman's Monthly Status Report

Report Start Date:	August 1, 2010	Report End Date: August 31, 2010	Chief William F. Mulligan
<b>Short-Term Action Items</b>	<b>Status</b>	<b>Outcomes/Issues</b>	
Dispatch Grant 2011	On Going	We will be looking for another dispatch grant for fiscal year 2010-11 we can use this grant for dispatcher salary as well as equipment. We believe it will be approximately \$26,000. I have requested a transfer of these funds.	
Reserve Officer Testing	On Going	We will have three new Reserve Officers trained and in service by the end of September. We will have three Reserve officers in training starting in September.	
Crime Information	On Going	We have had four business B&E's Thirsty's Pub Flint's Market Luk's Oil and the Tyngsborough Country Club. We had two suspects enter homes in the early morning hour's two suspects taken into custody. All these crimes occurred in the early morning hours.	
Reserve Officer Program	On Going	We will have each Reserve Officer working 8 hours a month as volunteer hours. Once we have all the Reserve Officer's trained they will be giving 100 hours free service a year each. This will be 1000 hours a year of free service to the community.	
Firing Range Improved	On Going	Sgt Chris Chronopoulos, Officer Charles Rubino and Officer Peter Kulisich have painted and improved the firing range. Still working on the firing range excellent job by all.	
Improvements to the Police Building	On Going	We have had the outside vestibule painted we are also looking at replacing the lower front siding of the building up to twelve feet. This has not been replaced for 22 years. This will improve the appearance of the building.	
Regional Dispatch Report Due	On Going	The Regional Dispatch report was to be due this June. I and the committee have reviewed the draft report. They have extended the date for the final report to be due in September 2010 We will be reviewing the final report on September 14, 2010	
<b>Long-Term Goals</b>	<b>Progress</b>	<b>Issues</b>	
State Accreditation	On going project	All the Policies & Procedures that are completed are reviewed at the department's monthly staff meetings and the monthly e-board meetings with the police union. They are then sent to the Town Attorneys for their review before being sent to BOS for approval.	
Neighbor to Neighbor	Go going	I will be writing about safety issues, seat belts cell phones life vest. In the September article	
Community Service	complete	Served the Seniors Lunch at the Senior Center with the Police Union. The Union members paid and served the lunch	
<p>I am on a sub-committee for the Regional Dispatch to review RFP for the study on Regional Dispatch. After this review the sub-committee recommended Winbourne &amp; Costas, Inc a management and technology consultants. They will have their report complete by June 2010. We have continued to meet once each month Winbourne &amp; Costas representatives have interviews dispatchers and personnel at a number of police and fire departments as well as Tyngsborough PD. This in an on going project. They have given Winbourne &amp; Costas and extension until September 2010 to complete final report.</p>			
<p>A Motor Cycle Run is being planned to help with the cost of the motor cycle unit. This will take place September 18, 2010.</p>			

TYNGSBOROUGH  
POLICE DEPARTMENT

SEP 14 2010



## TOWN OF TYNGSBOROUGH

Office of the Town Administrator

25 Bryants Lane

Tyngsborough, MA 01879

Tel: 978 649-2300 Ext. 100 Fax: 978 649-2320

E-mail: [mgilleberto@tyngsboroughma.gov](mailto:mgilleberto@tyngsboroughma.gov)

September 14, 2010

Superintendent Donald Ciampa  
Tyngsborough Public Schools  
50 Norris Road  
Tyngsborough, MA 01879

Dear Mr. Ciampa:

*Don-*

Thank you for your assisting the Board of Selectmen in hosting the recent State Senate debate. The High School auditorium proved to be an excellent venue for this important event.

I particularly wish to commend the work of George Trearchis and the custodial staff at the high school for their commitment and flexibility in preparing for this event.

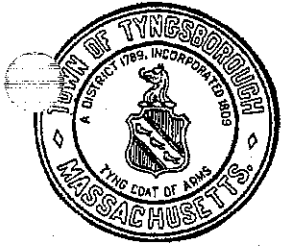
Sincerely,

*Michael P. Gilleberto*

Michael P. Gilleberto  
Town Administrator

cc: Mr. George Trearchis  
Board of Selectmen ✓

*THANKS SO MUCH!*



## TOWN OF TYNGSBOROUGH

Office of the Town Administrator

25 Bryants Lane

Tyngsborough, MA 01879

Tel: 978 649-2300 Ext. 100 Fax: 978 649-2320

E-mail: [mgilleberto@tyngsboroughma.gov](mailto:mgilleberto@tyngsboroughma.gov)

September 14, 2010

Ms. Patricia A. Leavenworth, P.E.  
District Highway Director  
Mass DOT - Highway Division  
519 Appleton Street  
Arlington, MA 02476  
Attention: District Construction Engineer

Dear Ms. Leavenworth:

Thank you for providing representation of the MassDOT-Highway at the August 16, 2010 meeting of the Tyngsborough Board of Selectmen. This letter is sent as a follow-up to questions and issues that were previously relayed via Resident Engineer Brian Polley. Below is a summary of those questions and issues:

- Temporary bridge: there are loose plates on the temporary bridge, and the bridge makes loud noises when vehicles drive over those plates. Some plates also appear to be broken and/or sticking up. Is this an issue that can be corrected? And could you please share the maintenance schedule for the temporary bridge?
- Traffic signalization: are the traffic lights synchronized, and if they are not can they be synchronized or can other steps be taken to alleviate traffic backups during busy times of the day? And is there a battery backup for the signals, in the event power is lost in the area? Also, will the signals on the east and west side of the river be synchronized when the projects are complete?
- Utility pole location: the utility poles have been re-located from the east to the west side of Middlesex Road, interfering with the Town's efforts to enhance the Town Center. The Board has previously expressed its opposition to the re-location of these poles. How can this impact be mitigated?
- Wires on the bridge: it has come to the Town's attention that Comcast wires will be hung overhead on the bridge once completed. This will negatively impact the aesthetics of the bridge. Can these wires be placed in conduit under the bridge?
- Sewer pipes on the bridge: can the Tyngsborough Sewer Commission place a pipe under the bridge, in conjunction with its townwide sewer master plan?

- Overall construction and utility location schedule: what is the timing for the completion of all construction and utility work?
- Former General Store: the Town is very concerned about the appearance of this building. It continues to attract graffiti and vandalism. What can be done to expedite its demolition?

Sincerely,

*Michael P. Gilleberto*

Michael P. Gilleberto  
Town Administrator

cc: Board of Selectmen ✓  
Beverly Woods, Executive Director, Northern Middlesex Council of Governments

# GREATER LOWELL TECHNICAL HIGH SCHOOL

250 PAWTUCKET BOULEVARD  
TYNGSBORO, MASSACHUSETTS 01879-2199  
TEL: (978) 454-5411 FAX: (978) 441-5344  
www.gltech.org

## SCHOOL COMMITTEE

David C. Laferriere  
Chair

Michael J. Lenzi  
Vice-Chair

Victor A. Olson  
Secretary

Farid W. Bahou, Jr.  
Paul E. Morin  
George W. O'Hare  
Steven P. O'Neill  
David E. Tully

William J. Collins  
Superintendent-Emeritus

Mary Jo Santoro  
Superintendent-Director



2010 SEP 15 PM 12:04  
BOARD OF SELECTMEN  
TYNGSBORO, MA.

September 8, 2010

Mr. Michael Gilleberto  
Town Administrator  
Town of Tyngsborough  
25 Bryants Lane  
Tyngsborough, MA 01879

Dear Mr. Gilleberto,

I am writing in response to the request from the Tyngsborough Board of Selectmen asking for Greater Lowell Technical High School students to participate in two projects involving renovations and repairs to properties requiring construction related improvements.

I would like to suggest that we meet to discuss the particulars of each of these projects in order to determine the possibility of student involvement. There are many factors that need to be considered when providing student's learning opportunities in the community. In preparation for the discussion regarding this particular request I have outlined some of these considerations below.

- Projects assigned to students must fall within the scope and ability levels of students who are still learning the competencies involved in aspects of their technical training.
- Teachers cannot oversee student projects that remove them from the traditional classroom for long periods of time as the instructional needs of those students left behind in school will have to be met by a substitute teacher.
- Students are following an instructional scope and sequence designed to meet the requirements of the Massachusetts Department of Elementary & Secondary Education Vocational Technical Frameworks much like the frameworks that are followed in the comprehensive high school system for academic subjects. Our technical high school students, in addition to academic curriculum frameworks, must follow the mandated technical program frameworks. All projects assigned to students must fulfill the competency learning needs of the students assigned to the project at that time.



- Students are following an instructional scope and sequence designed to meet the requirements of the Massachusetts Department of Elementary & Secondary Education Vocational Technical Frameworks much like the frameworks that are followed in the comprehensive high school system for academic subjects. Technical high school students, in addition to academic curriculum frameworks, must follow the state mandated technical program frameworks. All projects assigned to students must fulfill the competency learning needs of the students assigned to the project at that time.

As always our students are available to fill cooperative education positions to work under the direction of a contractor should you decide to go that route. In addition, we may have students who are eligible to work as interns through our internship program but this would also have to be done under the supervision of a credentialed contractor.

Please call my office at 978-441-4800 to schedule a day and time to meet with the appropriate personnel to discuss the projects in more detail in order to make a full determination regarding student involvement.

Thank you for your consideration of Greater Lowell students.

Sincerely,

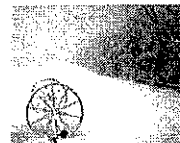


Mary Jo Santoro  
Superintendent-Director

MJS/cag



# Massachusetts Municipal Association 8th Annual Municipal Calendar Photography Contest



**DEADLINE: OCTOBER 15th**

**Theme:** "Massachusetts: 1,000 Great Places"

**Judging:** Photographs must be of places from the Massachusetts Office of Travel and Tourism of 1,000 "great places" throughout the Commonwealth. The 2011 wall calendar will portray 14 of these sites. A list of these sites can be found on [www.mma.org](http://www.mma.org) or at [www.massvacation.com/1000/index2.php](http://www.massvacation.com/1000/index2.php). Additional weight will be given to geographic and seasonal breakdown in an attempt to represent each region of the state and all four seasons equally in the calendar.

**Prizes:** The top prize will be selected for the front cover with 13 runners-up chosen for the months of the year and the back cover.

## **Submission Criteria:**

- Contest is open to all who wish to participate.
- Submissions will be judged primarily on how well they capture the calendar theme. Secondary judging criteria will include geographic and seasonal diversity.
- Entries should be horizontal color photographs, ideally 10" x 8" (recommended, but not required). Black and white photographs will be accepted as well, but will only be judged as a possible front or back cover shot.
- Digital photos must be taken at the highest possible resolution to ensure quality when enlarged to fit the calendar. Digital photos must be printed on 11" x 8.5" paper for judging. Electronic files will be required from winners.

- All entries must include 1-3 sentences describing the significance of the object of the photo.

### **Please Note:**

*The Massachusetts Municipal Association (MMA) is a nonprofit, nonpartisan association that provides advocacy, training, publications, research and other services to Massachusetts cities and towns. By submitting photos for this contest you agree to permit the MMA to publish the photos in its annual calendar, which is distributed for free to municipal officials in Massachusetts, and to post the photos on the MMA's web site.*

*If you wish to have your photos returned after the calendar is published in January, please indicate so on the back of each submission and include a self-addressed envelope.*

## **Send entries to:**

Calendar Contest  
MMA  
One Winthrop Square  
Boston, MA 02110

*Questions? Please contact Kristi Williams at 617-426-7272 ext. 107*



2010 SEP 17 12:11:36

PAUL J. KELLY  
TYNGSBOROUGH, MA.

September 10, 2010

Board of Selectmen  
Town of Tyngsborough  
25 Bryants Lane  
Tyngsborough, MA 01879

Dear Chairman and Members of the Board:

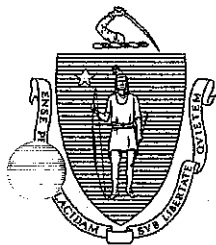
As part of Comcast's continuing effort to keep you informed of changes impacting our customers please be advised that effective September 1, 2010, a High-Definition Set-Top Box is available for \$2.25 per month per outlet, plus applicable fees and taxes, to customers subscribing to only the Basic level of video service.

Effective with September billing statements, a customer who subscribes to Basic Service only with a Comcast HD Digital Set-Top Box, will begin to be charged a Basic Service Only High Definition Set-Top Box charge of \$2.25 - plus .25 cents for the remote control as applicable - for each outlet having a Comcast HD digital set-top box instead of the HD Technology Fee as previously communicated.

Should residents contact you with questions, please do not hesitate to direct them to our toll free customer service number: 1-888-COMCAST. Our Customer Account Executives are available 24 hours a day, 7 days a week to answer any questions they may have regarding Comcast products, services and prices. If you have any questions about this or any other issue, please feel free to contact me directly at 617-279-1576.

Sincerely,

Timothy Kelly  
Senior Manager of Government & Community Relations



**COMMONWEALTH OF MASSACHUSETTS  
DEPARTMENT OF TELECOMMUNICATIONS AND CABLE**

TWO SOUTH STATION  
BOSTON, MA 02110  
(617) 305-3580  
[www.mass.gov/dtc](http://www.mass.gov/dtc)

DEVAL L. PATRICK  
GOVERNOR

TIMOTHY P. MURRAY  
LIEUTENANT GOVERNOR

GREGORY BIALECKI  
SECRETARY OF HOUSING AND  
ECONOMIC DEVELOPMENT

BARBARA ANTHONY  
UNDERSECRETARY  
OFFICE OF CONSUMER AFFAIRS AND  
BUSINESS REGULATIONS

GEOFFREY G. WHY  
COMMISSIONER

August 31, 2010

To Whom It May Concern:

One of the responsibilities of the Department of Telecommunications and Cable is to engage in public outreach and inform consumers about matters that may affect them. Your organization serves people who may need to be aware of the wide variety of cable television services and the issues that may arise when selecting a cable provider.

Cable service is available in most Massachusetts communities through one or more providers and may be offered as part of a bundled service package. Bundled services refer to specially priced packages of services that include telephone, video and Internet.

This guide presents some of the issues that may arise when selecting a cable provider, or cable services and programming. Please feel free to copy and distribute it to anyone who may need it. Any questions can be directed to Catrice Williams, Department Secretary, at (617) 368-1120 or [Catrice.Williams@MassMail.State.MA.US](mailto:Catrice.Williams@MassMail.State.MA.US).

Sincerely,

Geoffrey Why  
Commissioner

# CABLE SERVICES BUYING GUIDE

## Installation

In order to receive cable programming, the cable provider may need to install wiring and equipment at your location. Service technicians perform the installation work, which may take several hours to complete.

- Ask whether installation fees apply and the amount of the fees. In addition, you should ask what is included in the cost of the installation. For example, you should ask if installation requires drilling through exterior or interior walls and, if so, whether there is an additional charge.
- If you see "free installation," make sure that you find out what will be included in "free installation." For example, will other "installation" work be necessary in order to receive the service? You should also ask if "free" means through a credit or a redeemable coupon or voucher program, and exactly how that program will work.
- Ask whether someone else other than the provider will be doing the installation, and who will be responsible for that installation work. For example, if there are problems with the installation (e.g., shoddy workmanship, or damage done to your property), find out who will be responsible, and whether to direct any installation issues to your cable provider or the third party installer.

## III. Taxes, Fees & Other Surcharges

### Early Termination Fees ("ETFs")

Cable providers often charge early termination fees if you cancel or downgrade a service before a fixed contractual term, usually 12 to 24 months. ETFs can be quite substantial.

- Always ask about the amount of the ETFs. For example, while canceling service before the contract is up usually results in ETFs; find out if downgrading a service from a higher-priced plan to a lower-priced plan also results in ETFs.

- If you downgrade or eliminate a service bought in a bundle, ask whether the cost for the remainder of the services will change.
- If you purchase bundled services that are provided by different companies, make sure that you know what the contract terms are for each different company and if terms, such as early termination fees, will be different among those companies.

### Fees, Taxes & Other Surcharges

In addition to programming, equipment and installation charges, cable providers may also assess certain taxes, surcharges and fees as part of consumers' monthly bills. These additional charges can add a significant amount to your monthly bill.

- Be sure to ask whether there are any other fees of any kind before entering into a contract.
- Cable providers may assess other fees such as "activation fees" to commence service or other fees that have not already been discussed.
- Cable providers are required by law to assess certain taxes and they are permitted to pass on other charges (such as franchise-related costs) to their customers. Some of these charges, such as franchise-related costs, differ in amount depending on where you live. Determine the taxes, fees and surcharges specific to your city or town.

For more information please visit our website at

[www.mass.gov/dtc](http://www.mass.gov/dtc) and click on Competition Division. You can also reach us at 800-392-6066 or email us at [consumer.inquiry@state.ma.us](mailto:consumer.inquiry@state.ma.us).

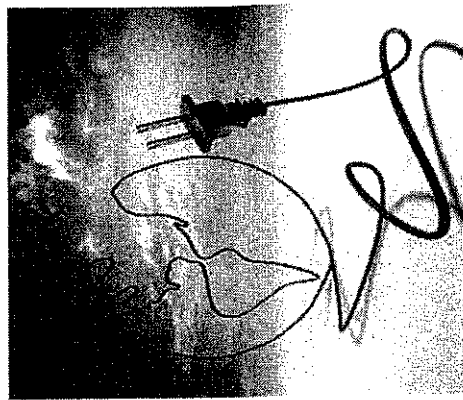


**Department of  
Telecommunications & Cable**

Better businesses. Smarter consumers.

Geoffrey Why, Commissioner

# CABLE SERVICES BUYING GUIDE



Deval L. Patrick  
Governor

Barbara Anthony  
Undersecretary

## Introduction

Cable service is available in most communities through one or more providers and may be offered as part of a bundled services package. Bundled services refer to specially priced packages of services that include telephone, video and Internet. The cost of receiving cable service can be broken down into three main categories: (1) programming, promotions and pricing; (2) equipment and installation; and (3) taxes, fees and surcharges.

This guide presents some of the issues that may arise when selecting a cable provider, or cable services and programming. While this guide is meant to be thorough, it is by no means exhaustive. Use this guide as a reference to assist you in selecting a cable provider's services and programming.

## I. Programming, Promotions & Pricing

### Channels

Cable providers offer different programming packages with different channel combinations. The price of the programming packages increases as the number of channels and premium channels, such as movie networks, sports and international channels, increases. In addition, many cable providers allow access to video on demand programming.

- Request the channel line-ups for the programming package you are considering.
- Pay close attention to the number of video, music and pay-per view channels you will be getting **both during and after** an advertised promotion. Pay-per-view channels may be included in the channels advertised as part of a promotional package.
- Ask about the capabilities and limitations of any video on demand programming that is included with the package you are considering.

### Promotions & Pricing

- Ask about other options or specials that might be available to you, such as more streamlined packages, fewer channels or fewer premium features. Those other options/specials might be better suited to your situation or programming tastes than the packages being promoted.
- Ask about bundled services pricing. Most people purchase cable as part of a bundled services package. Changes to the number of services in the bundle, or in the level of features of any of the services in that bundle, will almost certainly affect your monthly cost.
- Ask about coupons and vouchers, or other credits (e.g., installation).
- Ask specifically what price and contract terms will change when the promotion ends. This will help ensure that any channel changes resulting from the promotion ending will not affect the channels that you are interested in.
- Ask about receiving notice prior to the termination of the promotional period.
- If the cable provider makes any "guarantees," such as money-back guarantees if you are not satisfied, be sure to ask for details about how the guarantee would work and how you would be reimbursed if you are not satisfied with the your service.
- Prior to signing the contract, ask for the total monthly cost (including all fees, taxes, and surcharges) that you will be responsible for paying both during and after any promotional period.
- Ask about any additional conditions on which the promotional price depends, and any cost increases if those conditions are not met, such as "new customers only," time limitations for sign-up, and limitations on transferability.

## II. Equipment & Installation

### Equipment Charges

In order for you to receive their programming, cable providers usually require a converter box and/or a remote control. There is often an additional monthly rental charge for this equipment. There are different types of converter boxes including digital, high-definition (HD), and digital video recorder (DVR) boxes. Each box has a different monthly rental fee. Discuss with your sales rep whether the channels you are getting require the level of features on the suggested converter box.

- If a converter box or remote is necessary, ask about the cost of the equipment and whether you must rent and incur a monthly charge, or can buy the equipment.
- Ask what equipment is required to receive the programming you are interested in. For example, international programming may require additional equipment that is not otherwise required.
- In order to receive high-definition video or HDTV, a subscriber must have a television capable of receiving high definition programming **and** an HD converter box. Ask about the monthly fee and necessity of an HD converter box if you are interested in receiving HD programming.
- Cable companies also provide the option of renting equipment that will allow you to record cable programs. If you are interested in DVR service, ask about the cost of the digital box with DVR service. Also ask about DVR memory capacity. You might also consider purchasing your own DVR, which may have additional service features, with additional costs, that are more suited to your needs.

## Registration Form

10/27-28/2010

Name: \_\_\_\_\_

Address: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Phone: (     )     -     \_\_\_\_\_

**If you require an Accommodation:**  
(materials in Braille/large print,  
sign language interpreters, et al.)

**Please Notify the Mass Office on**

**Disability no later than**

**Tuesday, October 19, 2010**

**1-800-322-2020**

# Community Access Monitor

## Training Overview

- Regulations of the Massachusetts Architectural Access Board
- Americans with Disabilities Act Standards for Accessible Design
- History of Disability Rights
- General Overview of ADA
- New Construction/Alterations & Existing Facilities
- Effective Communication
- How to Survey a Facility
- Examples of good and bad accessibility
- How to Advocate for Access
- Rights and Responsibilities of a Community Access Monitor

The training concludes with participants performing a basic site survey.



A two day Community Access Monitor training session

**Presented by:**  
**The Massachusetts Office on Disability**

**The Regulations of the Massachusetts Architectural Access Board and the Americans with Disabilities Act Standards for Accessible Design**

Wednesday, October 27, 2010  
9:00 a.m. – 4:00 p.m.

Thursday, October 28, 2010

9:00 a.m. – 4:00 p.m.

Chelmsford Town Offices

50 Billerica Road

Lower Rear Auditorium

Chelmsford, MA 01824

**Co-sponsored by:**  
**Chelmsford Commission on Disability**  
**DBTAC: New England ADA Center**

**T**he Community Access Monitor Training is designed for both the individual that seeks to advocate for increased access in their community as well as for the individual who wants to better understand their obligations to provide access to the disability community.

### For More Information Call:

Jacqueline Higgins  
Access Specialist  
Massachusetts Office on Disability  
(617) 727-7440 V/TTY  
or  
(800) 322-2020 V/TTY

**This is a scent free event:  
Please no perfume,  
after-shave, cologne, etc.**



### Directions:

Chelmsford Town Offices  
50 Billerica Road.  
Chelmsford, MA 01824

### From the South:

- Take 93N toward Concord
- Take Exit 37 B to merge onto I-95 South  
Towards Waltham
- Take Exit 32A to merge onto US-3N  
toward Lowell
- Take Exit 29 for MA-129
- Turn right at MA 129/Chelmsford Road
- Destination will be on the right in 2.1  
Miles

### From the East:

- Take MA-128 S via the ramp to I-95/US-1
- Merge onto 95 South
- Take Exit 32A to merge onto 3 North  
toward Lowell
- Take Exit 29 for MA-129
- Turn right at MA 129/Chelmsford Road
- Destination will be on the right in 2.1  
Miles

### From the West:

- Take 495 North
- Take Exit 33 Towards County Route 4/N  
Chelmsford
- Keep Right at the fork, follow signs for  
MA-4S and Merge onto MA-4S/N Rd.
- Turn Left at MA-110 E/MA-4/Central  
Square
- Continue onto MA129E/Billerica Rd.  
Destination will be on the Left

### Registration:

\$15.00 Consumers\*  
\$85.00 Professionals\*\*

Cost of registration covers materials  
and lunch for both days.

Please make check payable to:  
Chelmsford Disability Commission

Return the Registration form to:

Chelmsford Commission on  
Disability  
Town Offices  
50 Billerica Road.  
Chelmsford, MA 01824

Registration Deadline:

**Tuesday, October 19, 2010**

\* A limited number of scholarships are available.  
\*\* Continuing education credits are available for  
Building Inspectors.

# SAVE OUR SOUND

alliance to protect nantucket sound

2010 SEP 15 PM 12:04

RECEIVED  
TOWN OF NANTUCKET, MA.

September 14, 2010

Dear National Grid Town Officials:

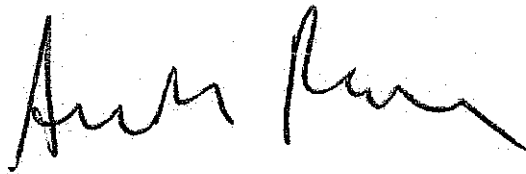
As you are probably aware, National Grid and Cape Wind have entered into an agreement in which National Grid would purchase electricity generated by Cape Wind at a rate of 18.7 cents per kilowatt hour with a guaranteed 3.5% annual increase for 15 years. What you may not know is that this rate is almost 2.5 times more than the current price you pay for electricity, and nearly double that of other abundantly available renewable energy sources such as land based wind.

If this contract is approved, ALL National Grid customers would be forced to pay for this power, which would drastically increase electric bills for municipalities like yours. Attached is a document detailing the effects of this rate hike.

However, you can help stop this from happening. The DPU is currently holding hearings on whether or not this contract is "cost-effective" for ratepayers, which it clearly is not. If you can, please take the time to write a letter to the DPU commissioners, and your state representative or senator, and tell them you do NOT want your town to pay more for electricity during these difficult economic times. For a draft letter, please go to [www.saveoursound.org](http://www.saveoursound.org).

Thank you in advance for your help in protecting ratepayers from higher electric bills.

Sincerely,



Audra Parker  
President & CEO  
Alliance to Protect Nantucket Sound

4 Barnstable Road, Hyannis, Massachusetts 02601  
□ 508-775-9767 □ Fax: 508-775-9725

[www.saveoursound.org](http://www.saveoursound.org)

a 501 (c)(3) tax-exempt organization



# The Tax Shock Blowing in From Cape Wind

**Fact:** While most communities and school districts are staring down job losses to balance FY 2012 and FY 2013 budgets, the Patrick administration is about to mandate another "tax" increase that would dramatically impact 168 National Grid communities and property owners over the next 15 years. For each community, this new tax would cost residents, businesses and municipalities on average \$1.5 million in year one, rise to \$2.7 million in year 15, or \$32 million in total.

**What is this tax?** It is the State's approval of the no-bid, above market National Grid electricity contract supporting the privately-owned Cape Wind project. Effectively, it is a "Green Energy Tax" on all National Grid distribution customers in Massachusetts.

**What is its impact?** This tax would cost each of the 168 National Grid communities served by National Grid up to 25 jobs annually for the next 15 years to offset the increased cost of the electricity. That's 2,500 to 4,200 jobs lost every year across all National Grid towns thanks to the tax.

**What is my tax increase?** If approved, the National Grid/Cape Wind contract mandates a "Green Energy Tax" of nearly 1 cent / kWhr (0.66 cts to 0.98 cts / kWhr) in 2013, with a guaranteed annual 3.5% increase. To determine how much this tax will be to you each year, take your electricity bill and multiply your annual kWhr use by 1 cent per kWhr. Since a typical town and school system uses 1,000,000 kWhrs annually, their "Green energy Tax" would be \$50,000 just for 2013. Over the contract duration, it would be a tax increase of over \$1 million in electricity costs. Revenues that can only be replaced by cuts or by increasing property taxes.

**Would Cape Wind create permanent jobs?** NO. Cape Wind would cause a net job loss. It would create as few as 50 permanent jobs once construction is complete. However, because higher electric rates would force businesses out of MA – which already pays some of the highest rates in the nation – it would cause a net job LOSS of thousands of jobs!

**Does approval of the National Grid/Cape Wind contract bring Massachusetts cost effective renewable energy?** No! The Cape Wind project is too expensive. *Its power costs 2.5 times today's market price and twice that of other readily available green energy.* By supporting this National Grid/Cape Wind contract, the Patrick Administration is rewarding a private developer at the expense of ratepayers and the green energy revolution that is already well underway in Massachusetts communities and schools.

**What you can do!** Call or write the MA Dept of Public Utilities at 617.305.3500 and Governor Deval Patrick at 617.725.9725, as well as your State Senator and State Representatives, and tell them that you do not support approval of the National Grid/Cape Wind contract by the MA DPU.  
**It costs jobs and is far more expensive than other readily available green energy.**

The MA DPU needs to reject this contract.

Visit [www.saveoursound.org](http://www.saveoursound.org) for a copy of a letter to mail to the DPU, Governor Patrick or your local representative or download and print the letter included with this document.

*Help us keep the Commonwealth safe, secure, saving jobs and lowering taxes, not enriching a private developer.*

Massachusetts Department of Public Utilities  
1 South Station  
Boston, MA 02110

Dear DPU Commissioner,

I am writing to you to urge you to reject the Cape Wind and National Grid contract, on the basis that it is not cost-effective for Massachusetts ratepayers. This deal would have a negative impact on businesses, residences, towns and school systems in Massachusetts due to the unnecessary mandatory rate hike that would affect National Grid ratepayers. I do not want to see people lose jobs and towns cut services to pay for a private developer's project when other energy is available for far less cost.

If you approve this contract, it would cause undue harm to ratepayers in each of the 172 National Grid towns across the state. Again, I strongly urge you to reject Cape Wind's contract with National Grid on the basis that it is not cost-effective and consider other, readily available cost-effective sources of renewable energy that can begin delivering power today.

Thank you for your time and consideration in this matter.

Sincerely,

September 15, 2010  
From: Joseph Paquette  
Re: Thirsty's

2010 SEP 15 10:11:27  
THIRSTY'S  
THURSDAY, MA.

Dear Members of the Board,

I'm writing this letter with great emotional ~~state~~ <sup>STRESS</sup> due to recent events that taken place at Thirsty's. My original intent was to speak at citizens time, unfortunately my ability to speak under stress prevents that from happening.

This letter is not to address the recent possible alcohol related violations, but is instead to relate the recent increase in activity at Thirsty's, and also to raise the possibility that included copies of reports of the Department of Housing and Community Development may have some bearing on the status of Thirsty's pretection under the by-laws covering nonconforming structures and uses.

On Sunday, September 5, 2010 Officer Walsh responded to a noise complaint involving Thirsty's. As stated by the accompanying police report Thirsty's staff had no or little effect on quieting their patrons as they exit their premesis, which has proven to be the rule rather than the exception. Even with a Police presence the crowds have proven to be uncontrollable at closing time. Video footage available shows approximately seventeen people exiting the building after the required 1:15am time recorded on their license. This is also the rule and not the exception.

September 10, 11, and 12 also were busy evenings due to special promotions each night, but on Sunday morning between midnight and 1:30 am the noise level and activity was ridiculous compared to anything we have ever experienced as neighbors to the Banjo Pub. Asleep on my couch in my living room at the rear of my house I was awakened by noise in front of my house. Investigating the source of the noise I heard my neighbor across the street exchanging obscenities. Earlier in the evening I called the Police Station to request a patrol car be dispatched to Thirsty's at closing time in order to insure that Thirsty's customers didn't hang around after closing hours. I arrived at my front door at approximately 1:10am to discover my neighbor involved in a shouting match with men parked at the corner of his property. Being very irritated with the situation I opened my front door and stepped out onto my steps. It was then that I observed Officer Ryder at the near entrance to Thirsty's parking lot, standing near his patrol car. Unfortunately, in a not too pleasant tone I called to him and asked him why he wasn't attempting to control these people. His response to me, also with a little irritation in his voice, but not disrespectful, was that he was instructed to make sure everyone was gone by 1:15am. At that point everyone exited the parking lot, including Officer Ryder. A video of this entire evening is available upon request. On Monday afternoon I requested a copy of officer Ryder's report of that incident, but was informed that no incident report was filed because it was considered a routine patrol of the premises at closing time.

Once again it has been proven that Thirsty's has been unable to control crowds during the nights of live entertainment or special events. The granting of live entertainment to Thirsty's has proven to be a disaster for the neighborhood. This board has, over the concerns and fears and objections of the neighbors, created a situation that will never be resolved as long as Thirsty's is allowed to have live entertainment. Left unresolved, situations such as occurred on Sunday morning can easily rise to a level that may result in personal injuries. The intensity and change of character of this business is a far cry from what has been there for the past 60 years or more. The continued violations regarding alcohol, entertainment, and closing times has got to stop.

That brings me to my next topic, the "grandfather clause". The town's interpretation of this "clause" is very limited. The accompanying literature just scratches the surface of cases challenging the protection of businesses operating with a nonconforming status.

Section VI of the Department of Housing and Community Development speaks of a three part test. At first glance it appears as if Thirsty's would have a hard time passing that test. After speaking to several lawyers they all believed that if taken to court the neighbors would more than likely enjoy a favorable result. They also discussed the possibility of seeking monetary damages for health related conditions caused by stress and constant disruption of sleep over the last 10 months. The question was who to sue, Thirsty's, the town, or both. It is my sincere wish that this problem can be resolved without the involvement of courts or lawyers. Examining Thirsty's performance record for the past 10 months should make it a no brainer as to what needs to be done. The time and aggravation to this board, the police, the neighbors, and others is in no way a benefit to this town. Take away the live entertainment, bring it back to what it was, and all the problems go away.

In closing, I would appreciate it if this board could take the time to think back 10 months ago when on more than one occasion the citizens of this community were given assurances that if the "privileges" extended to Thirsty's were abused or proved disrupting they could be taken away just as easily as they were given. Now is the time to walk the talk.

Thank you.

Respectfully,



Joseph Paquette  
12 Woodlawn St  
978-649-9026

P.S. A written response to this letter, or even an invitation to a one on one discussion would be greatly appreciated.



**Tyngsborough Police Department  
Incident Report**

**Page: 1  
09/09/2010**

**Incident #: 10-770-OF  
Call #: 10-17082**

**Date/Time Reported: 09/05/2010 0113  
Report Date/Time: 09/06/2010 0731  
Occurred Between: 09/05/2010 0113-09/05/2010 0130  
Status: No Crime Involved  
Reporting Officer: Patrolman Thomas Walsh  
Approving Officer: Sergeant Mark Bourque**

**Signature: \_\_\_\_\_**

**Signature: \_\_\_\_\_**

**# EVENTS(S)**

**LOCATION TYPE: Bar/Night Club  
THIRSTY'S  
25 PARHAM RD  
TYNGSBOROUGH MA 01879**

**Zone: CAR 2 AREA H**

**1 Disturbance- LOUD NOISE COMPLAINT**

## NARRATIVE FOR PATROLMAN THOMAS F WALSH

Ref: 10-770-OF

Entered: 09/06/2010 @ 0735 Entry ID: 41  
Modified: 09/06/2010 @ 0746 Modified ID: 41  
Approved: 09/08/2010 @ 2332 Approval ID: S11

On 09-05-10 at 01:13 this officer received a call that an anonymous caller called to complain about the noise coming from Thirtys Pub. This officer showed up at Thirtys Pub at 01:17 and they were in the process of closing up for the night and the people were leaving the pub and walking to their cars. It is always noisy at that time when people are leaving at closing. The bouncer was trying get the people to be quiet but had little affect. This officer then ushered people to their cars and out of the lot when I saw that the bouncer was not able to quiet them down. This whole effort took about 7 minutes. It was 01:30 and everyone but employees were gone.

AFTER REVIEWING MY VIDEO OF THAT EVENING, I COUNTED NO LESS THAN SEVENTEEN PEOPLE EXIT THE BUILDING BETWEEN 1:00 AM AND 1:30 A.M. VERY FEW CUSTOMERS EXITED BETWEEN THE ALLOWED TIME OF 1:00 AM. TO 1:15 AM.

Ptl. Thomas F Walsh #41

\*\* Portions of this report have been redacted \*\*

AS TRAM DANG STATED TO THE OFFICER IN A PREVIOUS REPORT "IT'S VERY DIFFICULT TO GET EVERYONE OUT ON TIME."

**TOWN OF BRIDGEWATER & others [Note 1] vs. JOHN  
CHUCKRAN.**

351 Mass. 20

May 3, 1966 - June 6, 1966

Plymouth County

Present: WILKINS, C.J., SPALDING, WHITTEMORE,  
KIRK, & REARDON, JJ.

Statement of three tests for determining whether a use of premises after the adoption of a zoning by-law or ordinance fits within the exemption therefrom granted to preexisting nonconforming uses. [23]

Warranted findings in a suit in equity justified conclusions that a use of premises in a town by a house builder, before the adoption of a zoning by-law by the town placed the premises in a residence zoning district, for mixing concrete only as an incident to his building business, employing equipment having a mixing capacity of four cubic yards, had changed subsequent to the adoption of the by-law into a use as a modern plant for the manufacture and sale of ready mixed concrete, employing equipment having a mixing capacity of thirty-five cubic yards, and that the later use did not reflect the "nature and purpose" of the earlier use, was different in quality or character from the earlier use, was "different in kind in its effect on the neighborhood," and was not entitled to the protection afforded to preexisting nonconforming uses. [23-24]

Statement of a proper decree protecting continuance of a nonconforming business on residentially zoned premises antedating the adoption of the zoning by-law, but enjoining a different kind of business originating on the premises subsequent to the adoption of the by-law and not entitled to such protection. [24]

BILL IN EQUITY filed in the Superior Court on September 4, 1964.

The suit was heard by Cahill, J. All parties appealed from the following final decree:

"The above-captioned cause came on to be heard and after hearing, it is hereby ordered, adjudged and decreed that the Respondent, John Chuckran, be and hereby is restrained and enjoined . . . from operating the business of

Page 21

cement mixing on the premises situated at #437 North Street in the Town of Bridgewater . . . and from the sale and distribution of cement or cement mix from the premises . . .

"Provided, however, that the Respondent may continue with reasonable expansion the sale of building materials and his operation as a builder substantially as he operated it prior to June 3,

block building at said #437 North Street; as well in connection therewith he may continue to operate the small batcher plant located just east of his garage.

"The Respondent's business activity is to be confined to that portion of said #437 North St. running roughly from the garage easterly to the vicinity of the so-called turnaround and southerly of Cedar Crest Drive to Respondent's southern boundary.

"No more than two trucks are to be used by said Respondent in said building business. Use and storage of trucks and mechanized equipment not used by Respondent in connection with his said building business as authorized above is forbidden.

"The Respondent is further ordered to remove from that part of #437 North Street which lies north of Cedar Crest Drive empty cement bags, piles of sand, gravel, and other mix materials including cement, vehicles and other equipment which may have been wrecked, dismantled or abandoned as useless or as obsolescent."

Harry P. Dunn for the Town of Bridgewater (Robert G. Clark, III, for the interveners, with him).

George L. Wainwright (Charles P. Buckley with him) for the defendant.

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**KIRK, J.** The town seeks to enjoin the defendant from using premises, owned by him and located in a residence district, for the mixing, sale and distribution of concrete. The judge voluntarily made comprehensive findings of fact, which, by adoption following requests under G. L. c. 214, Section 23, became a statutory report of material facts. The evidence

## Page 22

is reported. We apply the same standard of review that was applied in *DiBurro v. Bonasia*, 321 Mass. 12, 13, 15.

The facts found by the judge are fully supported by the evidence. We summarize them. The zoning by-law became effective on June 3, 1957. Prior to that date Chuckran's premises, at 437 North Street, were used for his residence and for the keeping of building materials which he sold to others or used in his own principal business as a house builder. The materials were kept in a cement block building erected by Chuckran to the rear of the dwelling. Incidental to his building business he used a small batcher on the premises and a portable batcher mounted on a truck to mix concrete which was then poured for foundations of houses built by him. More frequently he bought and used concrete mixed by others. The total mixing capacity of Chuckran's equipment in 1957 was four cubic yards. His other equipment in 1957 consisted, at most, of two dump trucks, a tractor loader, a heavy duty trailer and a one and one-half ton truck.

Since the adoption of the zoning by-law Chuckran has greatly increased his concrete mixing



mounted on steel legs thirty-five feet high with a long conveyor belt which would feed ingredients into the bin from which concrete mix would be poured into trucks stationed below. Six of his trucks are ten-wheelers. In 1961, the telephone listing for the business was changed from "John Chuckran Lumber Company" to "Chuckran's Lumber and Concrete Company." Also in 1961, Chuckran added the words "and Concrete" to the signs on his trucks. Increasingly unsightly mounds of empty cement bags have piled up. Old motor vehicles and other waste materials have accumulated over an area larger than that originally used by Chuckran for business purposes in 1957. From all appearances, the mixing of concrete and the supplying of it to others is now a major enterprise.

### Page 23

Chuckran was unable to supply business records prior to 1960. Although he contended that he was engaged in the concrete mixing business prior to zoning and that his increased activity in that line was a permissible increase in volume within the scope of the exemption for a nonconforming use (see *Building Commr. of Medford v. McGrath*, 312 Mass. 461, 462) the judge found, and we agree, that Chuckran's pre-1957 work with concrete was incidental to his main business of construction whereas his activities since the enactment of the zoning by-law show the emergence of a new business in the manufacture, sale and distribution of ready mixed concrete.

Recent cases have emphasized three tests for determining whether current use of property fits within the exemption granted to nonconforming uses. (1) Whether the use reflects the "nature and purpose" of the use prevailing when the zoning by-law took effect. *Massachusetts Broken Stone Co. v. Weston*, 346 Mass. 657, 662. *Superintendent & Inspector of Bldgs. of Cambridge v. Villari*, 350 Mass. 176, 177-178. (2) Whether there is a difference in the quality or character, as well as the degree, of use. *Brady v. Board of Appeals of Westport*, 348 Mass. 515, 523. *Building Inspector of Malden v. Werlin Realty, Inc.* 349 Mass. 623, 624-625. (3) Whether the current use is "different in kind in its effect on the neighborhood." *Medford v. Marinucci Bros. & Co. Inc.* 344 Mass. 50, 60, and cases cited. We think that Chuckran's current use of his land with respect to his concrete mixing business is barred when tested by these standards.

The original nature and purpose of the use which was exempted from the zoning regulations was use as a house builder's main yard in which the mixing of concrete was merely incidental to the general business. In so far as the land is now used as a ready mixed concrete manufactory and center for supply to others, the original nature and purpose of the enterprise has changed. See *Lexington v. Bean*, 272 Mass. 547, 553.

The quality and character of the use has also changed in

that the concrete operation has now developed "into a modern plant using more elaborate fixed facilities . . . [and] more complicated vehicles" than in 1957. *Seekonk v. Anthony*, 339 Mass. 49 , 53-54. The deleterious effect of this change on the otherwise residential surroundings is obvious. Compare *Cochran v. Roemer*, 287 Mass. 500 , 508, with *Marblehead v. Rosenthal*, 316 Mass. 124 , 128.

Applying the "minimum tolerance which must be given to non-conforming uses," *Chilson v. Zoning Bd. of Appeal of Attleboro*, 344 Mass. 406 , 411, to the judge's findings, we think that *Chuckran* has not sustained the burden of proving that his current use of the land has not changed from the 1957 use. *Colabufalo v. Public Bldgs. Commr. of Newton*, 332 Mass. 748 , 751.

In order to reduce the prospect of further litigation we think that the final decree should be modified to make clear the legal effect of the findings of fact made by the judge. The first paragraph is to be modified by adding the following clause, "reserving to the respondent, however, the right to operate a concrete mixer with a capacity not in excess of four cubic yards for the sole purpose of providing concrete in connection with the performance of his own building contracts." The second and third paragraphs are to be expunged. The fourth paragraph is also to be struck out, and the following provision substituted therefor: "The only trucks or mechanical equipment to be permitted on the premises are to be those used solely in connection with the building business." The fifth paragraph is to be modified by adding a requirement that the defendant dismantle as soon as practicable the thirty-five foot high structure and its appurtenances. The date for compliance with the latter provision is to be fixed by the judge.

As thus modified the final decree is affirmed with costs of appeal.

So ordered.

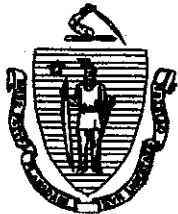
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## FOOTNOTES

[Note 1] Several abutters and nearby residents were permitted to intervene in support of the town's bill of complaint.

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Contact [Reference Librarians](#).



Commonwealth of Massachusetts  
DEPARTMENT OF HOUSING &  
COMMUNITY DEVELOPMENT

Deval L. Patrick, Governor ♦ Timothy P. Murray, Lt. Governor ♦ Tina Brooks, Undersecretary

**NONCONFORMING STRUCTURES AND USES**

November 30, 2009

Prepared By Donald J. Schmidt

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This outline gives limited information relative to nonconforming structures and uses and is intended only for informational and reference purposes. When a question of legal interpretation arises, local officials should always seek the advice of their municipal counsel.

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**I NONCONFORMING STRUCTURES AND USES**

Chapter 40A, Section 6. "Except as hereinafter provided, a zoning ordinance or bylaw shall not apply to structures or uses lawfully in existence or lawfully begun, or to a building or special permit issued before the first publication of notice of the public hearing on such ordinance or by-law required by section five, ..."

1. The existence of a nonconforming use is determined as of the date of the first publication of notice of the public hearing on the bylaw. Tamerlane Realty Trust v. Board of Appeals of Provincetown, 23 Mass. App. Ct. 450 (1987).
2. A nonconforming use or structure is created due to a zoning change and where a business use had begun by variance such use was not a nonconforming use which could be altered by special permit. Mendes v. Board of Appeals of Barnstable, 28 Mass. App. Ct. 527 (1990).
3. A use of property which existed prior to the adoption of a town's zoning bylaw, and would require a special permit under the bylaw were it not pre-existing, qualifies as a nonconforming use. Shrewsbury Edgemere Associates Ltd. Partnership v. Board of Appeals of Shrewsbury, 409 Mass. 317 (1991).
4. Use of property which does not comply with parking requirements could be categorized as a nonconforming use. Osgood v. Town of Andover, 38 Mass. App. Ct. 1129 (1995).

5. A self-inflicted nonconformity makes a conforming structure an "unprotected" structure. Martin v. Board of Appeals of Yarmouth, 20 Mass. App. Ct. 972 (1985); Marblehead v. Deery, 356 Mass. 532 (1969).
6. Issuance and reissuance of a fuel storage permit did not entitle a use to nonconforming protection as a lawfully existing use. Whitten v. Board of Appeals of Woburn, 38 Mass. App. Ct. 949 (1955).
7. Issuance of a special permit rather than the recording of the permit marks the beginning of protection from subsequent zoning changes as a prior nonconforming use. Cohasset Heights, Ltd. v. Zoning Board of Appeals of Cohasset, 53 Mass. App. Ct. 116 (2001).
8. A nonconforming use is not extinguished by a transfer of property. Cape Resort Hotels, Inc. v. Alcoholic Licensing Board of Falmouth, 385 Mass. 205 (1982); Revere v. Rowe Contracting Company, 362 Mass. 884 (1972).
9. A structure is nonconforming if located on a lot that does not meet the minimum lot area requirement of the zoning bylaw. Fitzsimonds v. Board of appeals of Chatham, 21 Mass. App. Ct. 53 (285).
10. Use operated for over 10 years in accordance with a building permit but which did not obtain a special permit as required by the bylaw was not entitled to protection as a prior nonconforming use. Bruno v. Board of Appeals of Wrentham, 62 Mass. App. Ct. 527 (2004).
11. The use of property under a lease for a proper Federal purpose may be immune from the application of a town's zoning bylaw, but it is still considered a nonconforming use. Durkin v. Board of Appeals of Falmouth, 21 Mass. App. Ct. 450 (1986).
12. The burden of establishing a prior nonconforming use is on the party claiming the benefit of such protection. Hall v. Zoning Board of Appeals of Edgartown, 28 Mass. App. Ct. 249 (1990).

## II PROTECTED STRUCTURES AND USES

Chapter 40A, Section 7. "... if real property has been improved and used in accordance with the terms of the original building permit ..., no action ... to compel the abandonment, limitation or modification of the use allowed by said permit or the removal, alteration or relocation of any structure erected in reliance upon said permit by reason of any alleged violation ..., shall be maintained, unless such action, ... is commenced ... within six years next after the commencement of the alleged violation of law;

... no action, ... the effect or purpose of which is to compel the removal, alteration, or relocation of any structure by reason of any alleged violation ..., shall be maintained, unless such action, ... is commenced ... within ten years next after the commencement of the alleged violation."

1. In contrast to the six-year statute of limitations, which explicitly covers both structural violations and use violations, the ten-year period for zoning violations covers only structural violations. The omission

of protection for use violations not sanctioned by the permit is plain on the face of the statute. Lord v. Board of Appeals of Somerset, 30 Mass. App. Ct. 226 (1991).

2. The six-year statute of limitations is applicable where the building permit authorizes the activity which is in violation of the zoning bylaw. Lord v. Zoning Board of Appeals of Somerset, 30 Mass. App. Ct. 226 (1991).
3. A structure on a lot which did not comply with the lot width requirements of the zoning bylaw due to a conveyance was protected by the ten-year statute of limitations. Murphy v. Kotlik, 34 Mass. App. Ct. 410 (1993).
4. A use protected by Section 7 is not entitled to nonconforming use protection. Bruno v. Board of Appeals of Wrentham, 62 Mass. App. Ct. 527 (2004).
5. The burden of establishing whether a use or structure is protected by Section 7 is on the party claiming the benefit. Moreis v. Oak Bluffs Board of Appeals, 62 Mass. App. Ct. (2004).
6. A building permit indicating that a building would be used for "commercial use" lacked the specificity to trigger the Section 7 protection where the court found it absurd to suggest that the Legislature in adopting Section 7 intended "terms of the original building permit" to authorize any and all imaginable commercial uses with no greater specification or description. Moreis v. Oak Bluffs Board of Appeals, 62 Mass. App. Ct. 53 (2004).

### III ALTERATIONS TO NONCONFORMING STRUCTURES

Chapter 40A, Section 6. "... a zoning ordinance or by-law shall not apply to structures ... lawfully in existence ... but shall apply ... to any alteration of a structure begun after the first notice of said public hearing to provide for its use for a substantially different purpose or for the same purpose in a substantially different manner ... ."

1. When a nonconforming structure is altered to provide for a use different from the use prior to alteration, the ordinance applies even if the new use is a permitted one. Nichols v. Board of Zoning Appeal of Cambridge, 26 Mass. App. Ct. 631 (1988).
2. Repairing is simply mending defective portions of a structure, while an alteration is a change of such a nature and extent as to produce a different structure or a structure so changed in some essential aspects as to constitute a different structure. Boston and Albany R.R. v. Dept. of Pub. Utilities, 314 Mass. 634 (1943).
3. The court recognizes that a municipality may specify conditions for and limitations on changes to nonconforming signs and did not permit a rewording of a nonconforming sign where the bylaw specifically prohibited rewording unless the sign was brought into compliance with the bylaw. Strazzula v. Building Inspector of Wellesley, 357 Mass. 694 (1970).

4. If a zoning bylaw does not specifically prohibit rewording, a rewording of a nonconforming sign is not an alteration of a structure to provide for its use for a substantially different purpose or for the same purpose in a substantially different manner or to a substantially greater extent. Barron Chevrolet, Inc. v. Danvers, 419 Mass. 404 (1995).

#### IV THE SECTION 6 REVIEW AND FINDING

Chapter 40A, Section 6. "Pre-existing nonconforming structures or uses may be extended or altered, provided that no such extension or alteration shall be permitted unless there is a finding by the permit granting authority or by the special permit granting authority designated by ordinance or by-law that such change, extension or alteration shall not be substantially more detrimental than the existing nonconforming [structure or] use to the neighborhood."

1. In order to render the statute intelligible, the court added the term "structure" so that the concluding portion of this sentence would read "shall not be substantially more detrimental than the existing nonconforming structure or use to the neighborhood." Willard v. Board of Appeals of Orleans, 25 Mass. App. Ct. 15 (1987).
2. The extent that nonconforming structures or uses may be extended, altered or changed is left to the discretion of the local legislative body. The Zoning Act does not require that communities authorize the extension, alteration or change of nonconforming structures or uses. Blasco v. Board of Appeals of Winchendon, 31 Mass. App. Ct. 32 (1991).
3. We conclude that the statute authorizes, but does not require, a municipality to choose a special permit application as the procedure for extension or alteration of a nonconforming use. The statute permits a town to require the same number of affirmative votes to grant applications for the alterations of a nonconforming use as to the grant of any other special permit, or to delegate the chore to the permit granting authority which would permit approval by a simple majority. Shrewsbury Edgemere Associates, Ltd. Partnership v. Board of Appeals of Shrewsbury, 409 Mass. 317 (1991).
4. The statute requires that, in the absence of a variance, any extension or structural change of a nonconforming structure must comply with the bylaw. If the proposed extension or change conforms to the bylaw, the statute requires a finding that the extension or change will not be substantially more detrimental to the neighborhood. Indeed, even as to single or two-family residences, structures to which the statute appears to give special protection, the zoning bylaw applies to a reconstruction, extension, or change that would intensify the existing nonconformities or result in additional ones. Rockwood v. The Snow Inn Corp., 409 Mass. 361 (1991).
5. The statute requires that, in the absence of a variance, any change or substantial extension of a nonconforming use must comply with the bylaw. Cox v. Board of Appeals of Carver, 42 Mass. App. Ct. 422 (1997).
6. An ordinance that permitted an alteration to a nonconforming use in the absence of a finding would violate the literal mandate of Section 6. McLaughlin v. Brockton, 32 Mass. App. Ct. 930 (1992).

7. Zoning bylaw authorized the Board of Appeals to grant a special permit allowing a nonconforming structure to be expanded where, in the opinion of the Board, such expansion would not be "more objectionable to, or detrimental to, the character of the neighborhood than the original preexisting nonconforming structure." This language authorized the Board to grant a special permit which would increase an existing nonconformity and diminish another. Tweed v. Zoning Board of Appeals of Tisbury, 28 Mass. App. Ct. 1106 (1989).
8. Zoning bylaw authorized the Board of Appeals to grant a special permit allowing an extension to a nonconforming structure if such extension would "be in harmony with the general purposes and intent" of the ordinance. This language did not authorize the Board to grant a special permit allowing an extension which would violate existing setback requirements. Wrona v. Board of Appeals of Pittsfield, 338 Mass. 87 (1958).

## V SINGLE AND TWO-FAMILY EXEMPTION

Chapter 40A, Section 6. "... a zoning ordinance or by-law shall not apply ... to any ... alteration, reconstruction, extension or structural change to a single or two- family residential structure [which] does not increase the nonconforming nature of said structure."

1. An alteration, reconstruction, extension, or structural change of a nonconforming single-family or two-family residential structure is legitimate if it does not increase the nonconforming nature of the structure; otherwise, it must be submitted to the special permit procedure of the second sentence for a determination by the board of the question whether it is "substantially more detrimental than the existing nonconforming use to the neighborhood." Fitzsimonds v. Board of Appeals of Chatham, 21 Mass. App. Ct. 53 (1985).
2. In identifying nonconforming nature, it should be determined in what respects the existing structure does not comply with the bylaw and then determine whether the proposed alteration or addition would intensify the existing nonconformities or result in additional ones. Willard v. Board of Appeals of Orleans, 25 Mass. App. Ct. 15 (1987).
3. The building inspector must make the initial determination whether the home is nonconforming and, if so, whether the proposed improvement would increase the nonconforming nature of the structure. Bramsford v. Zoning Board of Appeal of Edgartown, 444 Mass. 852 (2005).
4. Zoning bylaw which authorized construction of a house outside the footprint of a demolished nonconforming single-family structure without obtaining a special permit is not inconsistent with the Zoning Act. Murphy v. Duxbury, 40 Mass. App. Ct. 513 (1996).
5. Building a larger home on a substandard lot increases the nonconforming nature of the structure. Bjorklund v. Zoning Board of Appeals of Norwell, 450 Mass. 357 (2008).

6. A zoning bylaw provision requiring that a nonconforming building discontinued for a period of two years or more must comply with the zoning bylaw applied in a situation where a nonconforming single-family structure on a substandard lot had been demolished and the existing home was not rebuilt within the two year period. The court ordered the removal of an existing home. Wells v. Zoning Board of Appeals of Billerica, 68 Mass. App. Ct. 726 (2007).

## VI CHANGE OF NONCONFORMING USE

Chapter 40A, Section 6. "... , a zoning ordinance or by-law ... shall apply to any change or substantial extension of such use, ... ."

1. There exists a three part test for determining whether a current use of property is protected as a nonconforming use. Bridgewater v. Chuckran, 351 Mass. 20 (1966).
  - a. Does the use reflect the nature and purpose of the use prevailing when the zoning bylaw took effect?
  - b. Is there a difference in the quality of character as well as the degree of use?
  - c. Is the current use different in kind in its effect on the neighborhood?
2. An existing use will lose the protection afforded a nonconforming use for failure to satisfy even one of the tests. Green v. Board of Appeals of Provincetown, 26 Mass. App. Ct. 469 (1988).
3. Key cases that give a good outline of the three part test are:

Bridgewater v. Chuckran, 351 Mass. 20 (1966); Powers v. Building Inspector of Barnstable, 363 Mass. 648 (1973); Cape Resort Hotels v. Alcoholic Licensing Board of Falmouth, 385 Mass. 205 (1982); Selectmen of Blackstone v. Tellestone, 4 Mass. App. Ct. 311 (1976); Morin v. Board of Appeals of Leominster, 352 Mass. 620 (1967); Berliner v. Feldman, 311 Mass. 767 (1973); Jasper v. Dolan, 355 Mass. 17 (1968); Building Inspector of Groton v. Vlahos, 10 Mass. App. Ct. 890 (1980); Derby Refining Co. v. Chelsea, 407 Mass. 703 (1990).

## VII NON-USE AND ABANDONMENT

Chapter 40A, Section 6. "A zoning ordinance or by-law may define and regulate nonconforming uses and structures abandoned or not used for a period of two years or more.

1. The abandonment of a nonconforming use results from the concurrence of two factors; (1) the intent to abandon and (2) the voluntary conduct that carries the implication of abandonment. Pioneer Insulation and Modernization Corp. v. Lynn, 331 Mass. 560 (1954); Dobbs v. Board of Appeals of Northampton, 339 Mass. 684 (1959); Derby Refining Co. v. Chelsea, 407 Mass. 703 (1990).



2. Non-occupancy or suspension of business due to causes over which the owner has no control do not of themselves constitute abandonment and lapse of time not the controlling factor. Pioneer Insulation and Modernization Corp. v. Lynn, 331 Mass. 560 (1954).
3. The Legislature has provided express criteria distinctly stated in the disjunctive so that communities may employ either or both. The first criterion is abandonment that can happen momentarily, without lapse of any stated period of time. Bartlett v. Board of Appeals of Lakeville, 23 Mass. App. Ct. 664 (1987); Ka-Hur Enterprises, Inc. v. Zoning Board of Appeals of Provincetown, 424 Mass. 404 (1977).
4. We think the Legislature intended to authorize municipalities to extinguish otherwise protected nonconforming uses if particular premises are not in fact used for the protected purposes for a minimum of two years. Bartlett v. Zoning Board of Appeals of Lakeville, 23 Mass. App. Ct. 664 (1987); Ka-Hur Enterprises, inc. v. Zoning Board of Appeals of Provincetown, 424 Mass. 404 (1997).
5. Nothing in the Zoning Act suggests that the abandonment or non-use requirements do not apply to nonconforming single and two-family dwellings and the court assumed that such provisions would be applicable to nonconforming single and two-family dwellings. Dial Away Co., Inc. v. Zoning Board of Appeals of Auburn, 41 Mass. App. Ct. 165 (1996).
6. The voluntary demolition of a building constitutes abandonment. Berliner v. Feldman, 363 Mass 767 (1973).
7. The lapse of 23 years following the demolition of a nonconforming single-family structure was so significant that abandonment existed as a matter of law. Dial Away Co., Inc. v. Board of Appeals of Auburn, 41 Mass. App. Ct. 165 (1996).
8. Where the lapse of time (40 years) following the cessation of a nonconforming use was so significant that abandonment exists as a matter of law and evidence of things done or not done carries the implication of abandonment and supports a finding of intent, whatever the avowed state of mind of the owner. Orange v. Shay, 68 Mass. App. Ct. 358 (2007).



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## RECENT ACTIVITY

Jay is now friends with Laneisha McCray and Deydina Ramos.

Jay commented on DeeJay Styles's status.



**Jay Smooth** Tonight come party with me jsmooth @ thirstys bar & lounge live gogo dancers sexy bartenders music by djluis & djelliott  
 23 hours ago via Facebook for Android



**Jay Smooth** Tonight come party with me jsmooth @ thirstys bar & lounge live gogo dancers sexy bartenders music by djluis & djelliott awooooo  
 23 hours ago via Facebook for Android



**Jay Smooth** Tonight come party with me jsmooth @ thirstys bar & lounge live gogo dancers sexy bartenders music by djluis & djelliott  
 23 hours ago via Facebook for Android



**Jay Smooth** Tonight come party with me jsmooth @ thirstys bar & lounge live gogo dancers sexy bartenders music by djluis & djelliott  
 Yesterday at 7:10pm via Facebook for Android



**Cidvedka Rivera** hey how is that place? looking for something to get into i just dont know what.  
 Yesterday at 7:12pm



**Jay Smooth** Yes is real nice gd music cheap drinks & best of all something different  
 Yesterday at 7:16pm



**Cidvedka Rivera** i feel u whats the cover and were is it  
 Yesterday at 7:27pm



**Jay Smooth** Tynsboro everybodey free till 12 \$5 after  
 23 hours ago



**Nick Ross** I CAN GO?  
 4 hours ago



**Jay Smooth** Tonight come party with me jsmooth @ thirstys bar & lounge live gogo dancers sexy bartenders music by djluis & djelliott  
 Yesterday at 6:41pm via Facebook for Android



**Jay Smooth** Tonight come party with me jsmooth @ thirstys bar & lounge live gogo dancers sexy bartenders music by djluis & djelliott  
 Yesterday at 6:07pm via Facebook for Android



**Jay Smooth** Tonight come party with me jsmooth @ thirstys bar & lounge live gogo dancers sexy bartenders music by djluis & djelliott  
 Yesterday at 3:55pm via Facebook for Android



**Jay Smooth** Tonight come party with me jsmooth @ thirstys bar & lounge live gogo dancers sexy bartenders music by djluis & djelliott  
 Yesterday at 3:31pm via Facebook for Android

Diana Marie likes this.



**Jay Smooth** Tonight come party with me jsmooth @ thirstys bar & lounge live gogo dancers sexy bartenders music by djluis & djelliott  
 Yesterday at 9:53am via Facebook for Android

Kiomarie Davila likes this.



**Jay Smooth** Tonight come party with me jsmooth 2 thirstys bar & lounge live gogo dancers sexy bartenders music by djluis & djelliott  
 Yesterday at 9:53am via Facebook for Android



**Jay Smooth** Wow roxy lawrence is crazy tonight awooooo  
 Yesterday at 12:30am via Facebook for Android

2 people like this.

## RECENT ACTIVITY

Jay is now friends with Mzperfect Wilkerson and 6 other people.



Older Posts

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Send Jay a Message

Jay Smooth

Add as Friend

Wall Info

Filters

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## Friends

1,797 friends

See All



Alberto Morales



Annie Oriola



DeeJay Els



Johanna Corona



Monique Lessard



Alexa Rapaglia

## Likes

74 likes



Razah



Centro Night Club



10 Most Cruel Wives

Report/Block this Person

Share



**Jay Smooth** Fuck stress I rather drink awoo come party with me @ thirstys bar & lounge in tynsboro I'm your host jsmooth I am night life

22 hours ago via Facebook for Android

2 people like this.



**Crystal Tavarez** Anthony u dnt need to b stress out ....

22 hours ago



**Tasha Cruz** Shyt papii if I was still in mass I wuld party wit u nd u wuld have a gudd time ima kooool funny nena dat lykes to have fun nd ill all ur stress away

21 hours ago



**Carla Maldonado Santos** Awooooo!!! Sorry amor. I'm partying in Miami!!!! awooooo

18 hours ago



**Crystal Tavarez** well pa hope ur stress went away;)

8 hours ago



**Jay Smooth** 2Night Come Party @ Thirstys Bar & Lounge, 25 Parham Rd Tyngsboro Ma.. 21+ & Every1 Free Til 12.. \$5 Drinks, \$1 Jello Shots... Music By DJ Elliott & Dj Luie...

23 hours ago via Facebook for Android



**Jay Smooth** 2Night Come Party @ Thirstys Bar & Lounge, 25 Parham Rd Tyngsboro Ma.. 21+ & Every1 Free Til 12.. \$5 Drinks, \$1 Jello Shots... Music By DJ Elliott & Dj Luie...

23 hours ago via Facebook for Android



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23 hours ago via Facebook for Android



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23 hours ago via Facebook for Android



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23 hours ago via Facebook for Android



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23 hours ago via Facebook for Android



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23 hours ago via Facebook for Android



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23 hours ago via Facebook for Android

## Bored of the elliptical?



Our pro boxers will show you how to burn more calories & build more muscle tone than any other workout. Free lesson @ ringboxingclub.com

Like

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Pepsi is giving millions to fund ideas people care about. Anyone can submit an idea, and there are thousands to vote on. Check it out.

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## News about Migraines.



A local clinical research study needs women who experience migraines. Possible compensation for your time. Click for more.

Like

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from Denise

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## DOUBLE ELIMINATION BEER PONG TOURNAMENT @ THIRSTYS TYNGSBORO

Share · Public Event

**Time** Thursday · 8:00pm - 11:00pm

**Location** 25 PARHAM RD TYNGSBORO MA

**Created By** Dark Tower

**More Info**

FREE TO PLAY  
\$60 CASH 1ST PLACE  
\$30 CASH 2ND PLACE  
THURSDAYS 8 P.M.

3 Attending

See All



15 Maybe Attending

View



1134 Awaiting Reply

View



59 Not Attending

View

### Wall

DOUBLE ELIMINATION BEER PONG TOURNAMENT @ THIRSTYS TYNGSBORO has no recent posts.

Export · Report Event

I'm Attending Maybe No

### Recommended Photos

From Cynthia Dearnbarger's album: Girls trip



### Sponsored

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**Lexus**  
Is it possible that the Lexus IS performs so precisely, it can create its own best? View behind-the-scene footage of the 2011 Lexus IS.

Like



**JetBlue Airways**  
Make sure you never miss the best price! Become a Fan and we'll notify you of all our sales, news and offers!

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**Fun Jewel Games**  
Play the Best Jewel Game on the Web! It's free. Get the mywebsearch toolbar. Click to Play now.

Like



Length: 0:11

Sunday at 3:10am · Comment · Like · Share · Report

## RECENT ACTIVITY

Thirstys is now friends with Mark Finnerty and 3 other people.



Thirstys changed her profile picture.



**Thirstys Bar** what are great night, Thanks to the cash flow fam...we'll be doing BIG again next sat...stay tune :)

Sunday at 3:07am · Comment · Like

Scott Lucid likes this.

Write a comment...



**Thirstys Bar** Its all going down this Saturday with the hottest DJ spinning, sexxay bartenders, great atmosphere...guys bring tons of friends bc there will be tons of sexaay ladies around! Hosted by JSmooth and music by dj Luis and Elliot

Saturday at 6:41pm · Comment · Like



**Thirstys Bar** Theres NO SUCH THING like free drinks but you guys can still come and party with us though:)

Saturday at 6:41pm · Like

Write a comment...



**Thirstys Bar** Theres NO SUCH THING like free drinks but you guys can still come and party with us though:)

Saturday at 6:40pm · Comment · Like

Kayla Lacey Jenks likes this.



**Dan Lyman** You should see if its ok to offer Free water and sodas? Encouraging and hydrating the designated drivers and patrons that don't want to over do it...Theres an idea that may be some safer positive marketing goodness..

Saturday at 8:33pm · Like · 2 people

Write a comment...



**Thirstys Bar** Its all going down this Saturday with the hottest DJ spinning, sexxay bartenders, great atmosphere...guys bring tons of friends bc there will be tons of sexaay ladies around! Hosted by JSmooth and music by dj Luis and Elliot

Saturday at 5:51pm · Comment · Like

## RECENT ACTIVITY

Thirstys is now friends with Kirk Batstone and 2 other people.



Thirstys commented on Jay Smooth's status.

Thirstys is now friends with Chad Deschambeault and 2 other people.



**Thirstys Bar** CANT WAIT! Thirstys tonight, Its gonna be HOT!

Saturday at 12:52pm · Comment · Like



**Johnson Dave** im there !!!

Saturday at 1:09pm · Like



**Thirstys Bar** yes Johnson bring Friends!!!!

Saturday at 1:20am · Like



**Dark Tower FRIDAY 8 P.M. MEET WWE LEGEND BRUTUS "THE BARBER" BEEFCAKE!!!**



about an hour ago

#### RECENT ACTIVITY

Thirstys is attending Ready, Set, GO! · Comment · Like · RSVP to this event

Thirstys is attending DOUBLE ELIMINATION BEER PONG TOURNAMENT @ THIRSTYS TYNGSBORO. · Comment · Like · RSVP to this event

Thirstys is now friends with Jim Haas and Brian Brazil.

Thirstys commented on Jaime Rae Sras's photo.



**Jaime Rae Sras**

In this photo: Thirstys Bar



Me Soo Random-New Stuff!

22 hours ago · View album



**Jaime Rae Sras Ayyy** - Cant wait till the 17th DJ Dubz is gonna tear it up in there! Woop.Woop :)

Sunday at 12:54pm · Comment · Like · See Wall-to-Wall

View all 4 comments



**Kelly Burns** Leaks WHAT?? DID I MISS SOMETHING??? JAIME??? TRAM???? HELLOOO!!!!

Sunday at 4:25pm · Like



**Jaime Rae Sras** Yaaaa - Got something good in store for the party people's ;) You'll get a FB invite workin on a hott as flyer & you'll get one food sure mama!

Sunday at 7:24pm · Like

Write a comment...



**Thirstys Bar** Sunday funday! Foot ball at Thirstys, come check us out! Starting next Sunday FREE BUFFET during halftime for all PATS GAMES...

Sunday at 12:24pm via Mobile Web · Comment · Like

2 people like this.



**Jay Patenaude** if I watch the game at my brothers house can I run across the street at half time to eat?

Sunday at 12:26pm · Like



**Thirstys Bar** Haha anything for you Jay but why not watch it with us, it simply that much better ;)

Sunday at 12:27pm · Like



**Jay Patenaude** I'm sure I'll be there. not to mention the cheapest beers and the hottest bartenders!;

Sunday at 12:30pm · Like · 2 people

Write a comment...



**Thirstys Bar** Stay THIRSTYS

Thirsty's Sports Bar & Lounge [HD] Tonight tonight The All New "Sports Bar Saturdays @ Thirstys Bar & Lounge.. 25 Parham rd. Tyngsboro ma... 21+ Event Ladless Free TV 1130... All Mix Drinks \$4.50... Wit Music by DJ Elliott & DJ Luis & Hosted By J-Smooth....



Nobody brings in more birds than Pennington, and this handy guide is your ticket to night and day fun that awaits in your own backyard.

Like

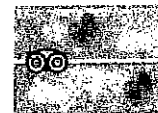
**Tired of depression?**



If your depression symptoms aren't going away, consider participating in a clinical research study. Possible compensation. [Learn more.](#)

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## Thirstys Bar's Wall

Back to Profile

DARK TOWER ENTERTAINMENT PRESENTS

# BRUTUS "THE BARBER" BEEFCAKE

THIRSTYS  
25 PARHAM RD TYNGSBORO



Friday  
SEPT.10  
8 PM



FRIDAY 8 P.M. MEET WWE LEGEND BRUTUS "THE BARBER" BEEFCAKE!!!

Added 1 hour ago

Photo added by:  
Dark Tower

Share

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Report This Photo

Requests

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2 group Invitations

Photo Memories



Obviously pondering  
Added 1 hour ago  
Chelsea Kennedy is tagged in  
this photo

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Seven Seas, Seabourn and Royal Caribbean.  
Check them out

Like



Is available.

Like

Be An EMT  
Want an exciting job  
that makes a  
difference? Earn your  
degree online and  
become an EMT! Aid



come together to celebrate the song that  
made the city famous.

Like

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## Ready, Set, GO!

I'm Attending

Maybe

No

Share · Public Event

Time September 17 at 9:00pm - September 18 at 1:30am

Location Thirsty's  
25 Parham Rd  
Tyngsboro, MA

Created By Next-Level Entertainment, Thirstys Bar

More Info DJ DIRTY DUBZ BRINGS HIS HOTT BEATS TO THIRSTYS!!!

Are you ready? We are hosting a Ready, Set, GO! party...

21+ // NO COVER!

WEAR RED if you're taken or married  
WEAR YELLOW if you're unsure or its complicated  
WEAR GREEN if you're single and ready to mingle!

Dress to impress!! Themed dress encouraged but not enforced. =)

Brought to you by Next Level Entertainment and Hosted by Sam Sras.

## Wall



Sarah Charbonneau Working :(

17 hours ago · Comment · Like · Flag

13 Attending

See All



Estrella Vendeta Primo



Jaime Rae Sras



Danny Tran



Jennifer Robles Desmarais



Kelly Burns Leaks



Teddy Sras



Thirstys Bar



DeeJay Dubz

42 Maybe Attending

View



747 Awaiting Reply

View



145 Not Attending

View

Export · Report Event

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## People You May Know

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Bridget Smith is a mutual friend.

Add as friend



Ernie Sandlin

Add as friend

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ADHD in Girls  
Does your daughter  
have ADHD and  
sleep problems?  
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studies now enrolling

girls ages 6-17

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and show off cities  
you've visited! Create  
your map

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crazy

More Ads

 Yesterday at 11:58am via Facebook for Android

Delilah Reyes likes this.



Elizabeth De Los Santos I WANNA GOOOOOOOOOO!!!!!! I  
LUV DRINKING AND EATING LMAO.... \*DANCING LIKE A NERD\* OH  
YEAH... OH YEAH .....

Yesterday at 12:04pm



Jay Smooth Eli u r a nut

Yesterday at 12:11pm



Elizabeth De Los Santos So that makes you a squirrel, cuz I kno you  
love meh :P

Yesterday at 12:19pm



Jay Smooth Lol

Yesterday at 5:22pm



Delilah Reyes That's a chill spot, it was a good time =)

Yesterday at 6:18pm




Jay Smooth Yesser every Saturday its going to get better &amp; better


Yesterday at 7:00pm




Jay Smooth Tonight ladies free till 1130 also free sex on the beaches on  
me @ thirsty bar & lounge 25 parham rd tyngsboro ma I'm your host jsmooth  
musicby dj elliot & dj lu

 Saturday at 8:20pm via Facebook for Android

Jay Smooth Tonight tonight ladies free till 1130 also free sex on the beaches  
on me @ thirsty bar & lounge 25 parham rd tyngsboro ma I'm your host  
jsmooth

 Saturday at 8:05pm via Facebook for Android

Jay Smooth Rip to amaes lounge on fridays they only got 4 people sence we  
left

 Saturday at 6:10pm via Facebook for Android

4 people like this.



DeeJay Elliott lol

September 4 at 6:10pm



Spade TwokayTen Lmao thats fucked up but oh well thats there loss  
ON TO THE NEXT ONE

September 4 at 6:12pm



Emily Siharaj He's probably regreting it soo bad now. Now he knows  
how ya'll cash flow do. That dumb prick. Lmao

September 4 at 6:15pm · 1 person



Jay Smooth Awoooooo

September 4 at 6:15pm



Jay Smooth Awooooo

September 4 at 6:16pm



Emily Siharaj Ya tu sabes smooth. He's probably gonna be hitting you  
up soon asking for cash flow fridays back @ amaes. Hahaha

September 4 at 6:17pm



Willy Cardenas Mad ppepleeee lol

September 4 at 6:26pm



Jay Smooth Lol I never go back unless dat bitch gives me \$1200. A  
night lol dat bitch looks like a turtel

September 4 at 6:32pm



Thirstys Bar theres no such things as going back even if its  
12,000...you left for a reason hah!PRIDE dude

September 4 at 6:43pm



Emily Siharaj I totally agree w/ thirstys lmao

September 4 at 6:53pm



Jay Smooth Yesser u right thirsty let's get it in tonight awooooo

September 4 at 7:13pm



Jay Smooth Tonight tonight tonight

Chat (Offline)

Ladies free till 1130 also free sex on the beaches o  
Saturday at 5:29pm via Facebook for Android



**Jay Smooth** All my sexy ladies entrence is free till 1130 & free sex on the beaches till 1130 on me @ thirstys in tynsboro I'm your host jsmooth music by dj elliot&dj luis

Saturday at 5:07pm via Facebook for Android

2 people like this.



**Jay Smooth** Tonight tonight tonight

Sports bar saturdays @ thirstys bar & longe

Location 25 parham rd. Tyngsboro ma

Ladies free till 1130 also free sex on the beaches o

Saturday at 4:59pm via Facebook for Android

Anily Bellard likes this.



**Jay Smooth** Tonight tonight tonight

Sports bar saturdays @ thirstys bar & longe

Location 25 parham rd. Tyngsboro ma

Ladies free till 1130 also free sex on the beaches a

Saturday at 4:59pm via Facebook for Android



**Jay Smooth** Tonight tonight tonight

Sports bar saturdays @ thirstys bar & longe

Location 25 parham rd. Tyngsboro ma

Ladies free till 1130 also free sex on the beaches o

Saturday at 4:59pm via Facebook for Android

#### RECENT ACTIVITY

Jay commented on Thirstys Bar's status.

Jay commented on DeeJay Elliott's status.

Older Posts

Chat (Offline)

Search

Home Profile Account



Send Jay a Message

### Friends

1,767 friends

See All



Desiree Ortiz



Arely Arias Hernandez



Caro Mejia



Arelis Pichardo



Stephanie Martin



Evelyn Maminican

Report/Block this Person

Share

## Jay Smooth

Add as Friend

Wall Info

Filters

Create an Ad



**Jay Smooth** White party this friday @ roxy lawrence

6 hours ago via Facebook for Android

3 people like this.



**Jay Smooth** White party this Friday @ roxy lawrence

6 hours ago via Facebook for Android

3 people like this.



**Jay Smooth** Off to get some new gear awoooo

11 hours ago via Facebook for Android

2 people like this.



**Jay Smooth** Every Thursday night @ savanna palace in lowell every Friday @roxy lawrence& every Saturday @ thirsty bar&lounge in tyngsboro I'm your host jsmooth come party

Yesterday at 7:04pm via Facebook for Android

Rosa Garcia likes this.



**Jay Smooth** If I kissed you would you like it ?????? No homo niggas sexy ladies only awoooo fb ??????

Yesterday at 5:30pm via Facebook for Android

4 people like this.

View all 18 comments



**Elizabeth Rodriguez** lol oh ok thats koo I was j.a not tryna find out ;)

Yesterday at 7:04pm



**Crystal Tavarez** @Eli R is alight though I have no complaints lol :)

### Wanna stay active?



Get up to 70% off top health & fitness training in Boston.

Like

### Volvo Overseas Delivery



First step Volvo, next step Europe. Complimentary flights for two, generous savings and more. Join us on Facebook for more information!

Like

### ADHD in Girls



Does your daughter have ADHD and sleep problems?



Chat (Offline)



Length: 0:11

Sunday at 3:10am · Comment · Like · Share · Report

## RECENT ACTIVITY

Thirstys is now friends with Mark Finnerty and 3 other people.



Thirstys changed her profile picture.

**Thirstys Bar** what are great night, Thanks to the cash flow fam...we'll be doing BIG again next sat...stay tune :)

Sunday at 3:07am · Comment · Like

Scott Lucid likes this.

Write a comment...

**Thirstys Bar** Its all going down this Saturday with the hottest DJ spinning, sexxy bartenders, great atmosphere...guys bring tons of friends bc there will be tons of sexaay ladies around! Hosted by JSmooth and music by dj Luis and Elliot

Saturday at 6:41pm · Comment · Like

**Thirstys Bar** Theres NO SUCH THING like free drinks but you guys can still come and party with us though:)

Saturday at 6:41pm · Like

Write a comment...

**Thirstys Bar** Theres NO SUCH THING like free drinks but you guys can still come and party with us though:)

Saturday at 6:40pm · Comment · Like

Kayla Lacey Jenks likes this.

**Dan Lyman** You should see if its ok to offer Free water and sodas? Encouraging and hydrating the designated drivers and patrons that don't want to over do it..Theres an idea that may be some safer positive marketing goodness..

Saturday at 8:33pm · Like · 2 people

Write a comment...

**Thirstys Bar** Its all going down this Saturday with the hottest DJ spinning, sexxy bartenders, great atmosphere...guys bring tons of friends bc there will be tons of sexaay ladies around! Hosted by JSmooth and music by dj Luis and Elliot

Saturday at 5:51pm · Comment · Like

## RECENT ACTIVITY

Thirstys is now friends with Kirk Batstone and 2 other people.



Thirstys commented on Jay Smooth's status.

Thirstys is now friends with Chad Deschambeault and 2 other people.

**Thirstys Bar** CANT WAIT! Thirstys tonight, Its gonna be HOT!

Saturday at 12:52pm · Comment · Like

**Johnson Dave** Im there !!!

Saturday at 1:09pm · Like

**Thirstys Bar** yes Johnson bring Friends!!!!

Saturday at 1:20pm · Like



Chat (Offline)

Search

Home Profile Account



View Photos of Thirstys (73)

Send Thirstys a Message

Poke Thirstys

25 Parham Road Tyngsborough, MA  
01879

THURSDAY: Beirut Tournament  
starts at 8PM

LIVE ENTERTAINMENT EVERY  
FRIDAY

DJ DANCE PARTY EVERY SATURDAY  
(hosted by 1Smooth, and music by  
DJ Elliot and Luis)

OPEN POOL EVERY SUNDAY

NEW KITCHEN HOURS COMING



Chat (Offline)



Kim Rogers i know im excitedd! =)

about an hour ago · Comment · Like · See Wall-to-Wall

Create an Ad

FREE Bird Guide

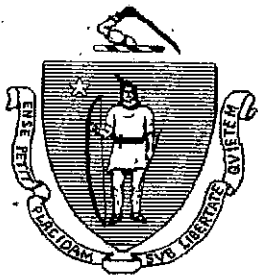


Chat (Offline)

RECENT ACTIVITY

Thirstys commented on Cham Moun's status.

Older Posts



# The Commonwealth of Massachusetts

## DEPARTMENT OF PUBLIC UTILITIES

### NOTICE OF FILING AND PUBLIC HEARING

D.P.U. 10-99

September 3, 2010

Petition of Boston Gas Company, Colonial Gas Company, and Essex Gas Company, each d/b/a National Grid to the Department of Public Utilities for Recovery of Lost Base Revenue for Calendar Years 2008 and 2009.

On August 2, 2010, Boston Gas Company, Colonial Gas Company, and Essex Gas Company, each d/b/a National Grid (together, "National Grid" or "Company") filed with the Department of Public Utilities ("Department") a petition for approval to recover lost base revenue ("LBR") for calendar years 2008 and 2009. The Company states that the proposed LBR represents its decreased distribution revenues associated with reduced gas sales as a result of the Company's 2008 and 2009 energy efficiency programs. The Company seeks to recover \$529,840 in LBR plus carrying charges of \$29,469 for 2008, and \$1,979,653 in LBR plus \$231,601 in carrying charges for 2009. In addition, the Company seeks approval for effect November 1, 2010 of a revised local distribution adjustment clause, M.D.P.U. No. 2.6, which proposes to add an LBR factor to the Company's energy efficiency cost-recovery formulas. The Department has docketed this matter as D.P.U. 10-99.

If the Company's petition is approved as requested, the bill impacts will be as follows: a typical residential heating customer using 190 therms per month during the winter season will experience a monthly bill increase of \$0.49, or approximately 0.17 percent; a typical residential heating customer using 54 therms per month during the summer season will experience a monthly bill increase of \$0.10, or approximately 0.18 percent; a typical residential non-heating customer using 31 therms per month during the winter season will experience a monthly bill increase of \$0.08, or approximately 0.13 percent; and a typical residential non-heating customer using 31 therms per month during the summer season will experience a monthly bill increase of \$0.06, or approximately 0.12 percent. Bill impacts for commercial and industrial customers will vary. These customers should contact the Company for specific bill impact information.

The Department will conduct a public hearing to receive comments on the Company's petition. The hearing will take place on **October 12, 2010, at 2:00 p.m.** at the Department's offices, One South Station - 2<sup>nd</sup> Floor, Boston, Massachusetts 02110. A procedural conference



will take place immediately following the public hearing. Any person who desires to comment may do so at the time and place noted above or submit written comments to the Department not later than the close of business (5:00 p.m.) on **October 12, 2010**.

Any person who desires to participate in the evidentiary phase of this proceeding must file a written petition for leave to intervene with the Department not later than the close of business on **October 5, 2010**. A petition for leave to intervene must satisfy the timing and substantive requirements of 220 C.M.R. § 1.03. Receipt by the Department, not mailing, constitutes filing and determines whether a petition has been timely filed. A petition filed late may be disallowed as untimely, unless good cause is shown for waiver under 220 C.M.R. § 1.01(4). To be allowed, a petition under 220 C.M.R. § 1.03(1) must satisfy the standing requirements of G.L. c. 30A, § 10.

An original and three (3) copies of all written comments or petitions to intervene must be filed with Mark D. Marini, Secretary, Department of Public Utilities, One South Station - 2<sup>nd</sup> Floor, Boston, Massachusetts 02110 not later than the close of business on the dates noted above. One copy of all written comments or petitions to intervene should also be sent to the Company's attorney, Patricia Crowe, Esq., National Grid, 40 Sylvan Road Waltham, Massachusetts 02451.

A copy of the Company's filing is on file at the Department's offices, One South Station, Boston, Massachusetts for public viewing during normal business hours. A copy is also on file for public viewing at the offices of National Grid, 40 Sylvan Road Waltham, Massachusetts 02451. Any person desiring further information regarding the Company's filing should contact counsel for the Company, Patricia Crowe, Esq. at (781) 907-1848. Any person desiring further information regarding this notice should contact Jennifer Turnbull-Houde, Hearing Officer, Department of Public Utilities, at (617) 305-3500.

All documents should also be submitted to the Department in electronic format using one of the following methods: (1) by e-mail attachment to [dpu.efiling@state.ma.us](mailto:dpu.efiling@state.ma.us) and the hearing officer [[jennifer.turnbull@state.ma.us](mailto:jennifer.turnbull@state.ma.us)] or (2) on a 3.5" disk or CD-ROM. The text of the e-mail, disk label, or CD-ROM must specify: (1) the docket number of the proceeding [D.P.U. 10-99]; (2) the name of the person or company submitting the filing; and (3) a brief descriptive title of the document. The electronic filing should also include the name, title, and telephone number of a person to contact in the event of questions about the filing. All documents submitted in electronic format will be posted on the Department's website: <http://www.mass.gov/dpu>.

2010 SEP 23 11:17  
TOWN OF TYNGSBOROUGH, MA.

September 22, 2010

Michael Gilleberto  
Office of the Town Administrator  
25 Bryants Lane  
Tyngsborough, MA 01879

Dear Mr. Gilleberto,

I am writing to you regarding the proposal to increase the number of weekly hours for the position of Highway Clerk from 18 to 25. The Highway union is in favor of this proposal.

Sincerely,

William Lannan  
President  
Highway Union

*William Lannan*  
9-23-10